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ABSTRACT

The hearing transcribed in this report is focused on how television broadcasters have been meeting their obligations to the child audience as described in the Children's Television Act of 1990 and how the Federal Communications Commission has been enforcing the law. The report contains testimony from: (1) Peggy Charren, founder, Action for Children's Television; (2) Jeffrey Chester, codirector, Center for Media Education; (3) Paul LaCamera, vice president, WCVB-TV, who presented a prepared statement from the National Association of Broadcasters; (4) Shari Lewis and Lamb Chop, Shari Lewis Enterprises; (5) Brooke Spectorsky, WUAB-TV; and (6) Ernst L. Wynder, president, American Health Foundation. (KRN)

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CHILDREN'S TELEVISION

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HEARING

BEFORE THE

SUBCOMMITTEE ON
TELECOMMUNICATIONS AND FINANCE

OF THE

COMMITTEE ON
ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

MARCH 10, 1993

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CHILDREN'S TELEVISION

WEDNESDAY, MARCH 10, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2322, Rayburn House Office Building, Hon. Edward J. Markey (chairman) presiding.

Mr. MARKEY. Good morning, and welcome to the subcommittee's oversight hearing on the Children's Television Act.

This year, the average child will spend more time in front of the television than in the classroom. She will know Michelangelo as a mutant turtle, not a painter. What she watches will certainly be of great concern to her parents. But they cannot encourage her to watch more educational shows if they do not exist.

The Children's Television Act of 1990 was passed to ensure that broadcasters increase the amount of educational programming provided to America's children. The bill requires television broadcasters to serve the special child audience with programs designed specifically to meet the educational and informational needs of children.

With the passage of the Children's Television Act, Members of Congress expected and looked forward to new, creative and innovative programming, signaling the dawn of a new era of children's television programming. Unfortunately, children's television on commercial broadcast today remains the video equivalent of a Twinkie. Kids enjoy it despite the absolute absence of any nutritional content.

Of the approximately 26 hours per week that each child will watch television, they will see 1 hour of educational or informational programming, down from approximately 11 hours per week in 1980, according to a recent study.

Broadcasters' response to the Children's Television Act is simply unacceptable. I am committed to full and complete enforcement of this act by the FCC, and to full compliance with the law by television broadcasters. The Reagan-Bush era has ended and the Clinton era has begun. There is a new commitment to our Nation's children and to using television to educate children. As proof of that, I was pleased to see that the FCC, under Chairman Quello, issued a notice of inquiry outlining possibilities for the enforcement of this important law.

In its notice, the FCC described the importance of the distinction between programming that entertains and has some educational

content, and programming whose primary purpose is to educate. While arguably every show has some redeeming social value, too many broadcasters have completely lost sight of the educational and informational purposes of the act. Ever since the date of its passage, the public interest community, broadcasters and parents have expressed concern that the provisions of the law are not being adequately met.

In September of last year, the Center for Media Education released a report on station compliance with the act. Among the findings in the report was that stations were listing as programming specifically designed to meet the educational needs of children, shows such as "The Jetsons," "The Flintstones," and "Yogi Bear." Broadcasters can and will do better than that.

The Children's Television Act is more important today than ever. While children have more choices due to the growth of the cable television industry, 40 percent of American families do not receive cable. Broadcasters are granted use of the public airwaves, and in exchange, they carry the public trust, which includes a special obligation to meet the educational needs of children.

Studies on the impact of television programs designed to teach children specific skills conclude that these programs are effective and kids watch them. The acclaimed PBS program, "Where in the World is Carmen San Diego," has a weekly viewership of 6.5 million children. A review of the top-selling home videos in the Washington, D.C. area, in the Washington Post last weekend, shows that 16 of the top 20 video rentals are children's videos, and the majority of them are educational.

Clearly, the demand is out there for children's educational shows. And is there is a warning for broadcasters in all this as well; if you ignore the child audience today, do not be surprised if they ignore you in the future. Just as I often turn to the broadcast television stations first, because that is what I knew growing up, the adults of the family will turn to the channels that have historically served them, and that they grew up knowing: Disney, Nickelodeon, MTV, PBS.

Today we will examine how broadcasters have been meeting their obligations to the child audience under the law, as well as how the FCC has been enforcing the law. We have an extremely distinguished panel of witnesses. I look forward to their testimony. Today's hearing also notes the final hearing that will have been constructed by our Chief Telecommunications Counsel, Larry Irving.

Larry for the last 6 years has been the primary staff architect, working with the Minority, of the Children's Television Act, the Cable Act of 1992, and numerous other pieces of legislation which protect American people, ensuring they get the highest-quality service from broadcasters, from cable and from other video outlets in the United States.

We are extremely proud that we have had the opportunity to work with Larry. President Clinton has been wise in naming him as the new head of the National Telecommunications Information Agency. His staff of 300 people will be well utilized to advance the vision and the sense of decency which he has brought to the Con-

gress in his 6 years here as Chief Counsel of this subcommittee's telecommunications agenda.

I want to thank him publicly for all of the work which he has done for us, and thank him for all that he has done for the country as well, and I know that he is going to have even greater impact with the new responsibilities which President Clinton is tasking him with. We thank you, Larry, so much for everything you have done.

The Chair now recognizes the gentleman from the State of Texas, Mr. Fields.

Mr. FIELDS. Mr. Chairman, if I could, just out of order for a moment, because I want to follow on what you just said and echo what you have said about Larry Irving, and also say he has been bipartisan, he has been cooperative, he has been intuitive, he has been fair, he has been a friend, and he will definitely be missed by people on this side of the aisle.

Mr. MARKEY. Would any other members like to be recognized on the subject of Larry Irving?

The gentleman from Oregon?

Mr. WYDEN. I will wait to make an opening statement, Mr. Chairman.

Mr. MARKEY. The Chair recognizes the gentleman from Texas, Mr. Fields, for his opening statement.

Mr. FIELDS. Thank you, Mr. Chairman.

I want to commend you for holding this oversight hearing on the implementation of the Children's Television Act of 1990.

Mr. Chairman, as you recall, and as you stated, this committee worked long and hard over two Congresses to come up with a reasonable law to ensure that broadcasters meet their special obligation to their child audiences.

The Children's Television Act of 1990, in addition to setting time guidelines for children's television advertising, reaffirmed the essential obligation the broadcast licensees have to serve children. Specifically, the law directs the FCC to consider whether a TV station has served the educational and informational needs of children in its overall programming.

This requirement was meant to increase the amount of quality programming for children. Although the recent 1992-1993 television season is just the first season to test the impact of the law on children's television, the results have been disappointing.

There is concern that some broadcasters have failed to meet their programming obligations required by the act by simply relabeling their existing cartoon fare as educational.

The purpose of the law is to provide licensees the opportunity to have programming which educates children, not just entertain them. It was our hope in enacting a reasonable law, one that gave the programmer greater flexibility in choosing programming, that TV stations, networks and program producers would make every effort to subsequently improve the programming for children. That is still our hope. That is specifically my hope.

Mr. Chairman, I am pleased to note that the FCC has recently announced its intention to reexamine its rules and policies implementing the law. I believe the commission is correct in its belief that the poor program performance of broadcasters is not due to an

unwillingness to comply with the law, but rather an uncertainty as to what is required for compliance.

It is time, however, for the broadcast and programming industry to recognize children's television should go beyond just mindless entertainment. There is no doubt that television has an enormous and profound effect on children.

Indeed, as the complexities of modern life increase, children are spending more and more time in front of the television, many as much as 20 hours.

Broadcasters, in effect, have become the guardians of our Nation's children. And in light of this enormous responsibility, broadcasters should make every effort to improve the quality of children's television programming as part of their public service obligation. Clearly, television has enormous potential to both educate and to entertain children.

Mr. Chairman, I believe that broadcasters and programmers can develop and air children's programming that enlightens as well as entertains. Ms. Lewis' show is a fine example of such programming.

I have got to say to you, Ms. Lewis, my little daughter, Jordan, 3 years old, watches your show on a regular basis. I also have to say you have got a little competition from "Barney." But based on——

Ms. LEWIS. He is just a dinosaur.

Mr. FIELDS. Based on your testimony that I have read, I know you appreciate that particular type of competition.

I look forward to hearing from you today.

Mr. Chairman, again, I think this is an important hearing. I am very glad that you called it. And again, we have the opportunity to direct the focus.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from Oregon, Mr. Wyden.

Mr. WYDEN. Thank you very much, Mr. Chairman.

I want to commend you, Mr. Chairman, for your leadership and all that you have done to make this a priority on the Nation's communications agenda, and also thank you for your kind words about our friend Larry Irving.

In our office, it is not fair to say that we can move forward on telecommunications policy unless one has checked with Larry Irving. I think it would be fair to say that members on both sides of the aisle consider that the litmus test for moving ahead on telecommunications. And we are going to miss Larry greatly.

Mr. MARKEY. Can I say this, that in my office I am Lamb Chop and he is Shari Lewis.

Mr. WYDEN. Mr. Chairman, it seems to me it is high time for the chief executive officers of the television industry, particularly commercial television, to recognize that television is failing our children. Millions of youngsters have a viewing diet now that is built around police shows, soap operas, junk food commercials, and rock videos. And this programming is contributing mightily to the national deficit in our children's educational and social development.

I am particularly concerned because in key areas, our country has actually moved backwards over the last 20 or 30 years. For example, in the area of preschool programming, I know that when I

was growing up and the chairman was growing up, we had shows like "Captain Kangaroo" on commercial television. Now there is not one show, not one on commercial television that offers the kind of programming that youngsters had 20 or 30 years ago with "Captain Kangaroo."

That is particularly distressing because the information that we have picked up is that low-income youngsters depend on free television. And as a result of the fact that free television has actually moved backwards over the last 20 or 30 years, those commercial television networks are especially failing our low-income families.

I think it would be fair to say that the Children's Television Act is honored more in the breach than in the observance. That is why this enforcement hearing is especially important, and it is critical that we look at new tools to actually enforce these statutory requirements.

For example, Mr. Chairman, you have been extremely helpful, along with Chairman Kennedy, in joining me in the comprehensive "Ready to Learn" legislation, which would require, for example, as a precondition to getting a broadcast license, that commercial television networks offer at least an hour a week of preschool programming. That doesn't seem to be too much to ask of the commercial television networks.

I hope that as we move ahead, first to look at specific enforcement tools and the important Children's Television Act legislation, and second to carry out the commitment to get all youngsters ready to learn for first grade, that we lock in these protections for quality viewing for young people and ensure there are enforcement provisions to carry them out.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from Ohio, Mr. Gillmor.

Mr. GILLMOR. Thank you, Mr. Chairman.

I want to commend you on holding this hearing on a very important subject. Both as a Member of Congress and as a parent, the content of children's television is a matter of great concern to me.

Hopefully, today's hearing will give us some insight into what we can expect as television broadcasting moves toward more complete compliance with the provisions of the Children's Television Act of 1990.

I welcome all of our panelists here today, and I would like to particularly recognize a fellow Ohioan, Brooke Spectorsky, who is with WUAB TV in Cleveland and Lorain. And WUAB is a leader in the world of independent television, and I am sure, as he will tell us, that WUAB represents much of what is right with children's television.

The station currently airs exciting educational programs such as "Just for Kids" and "Kidsland" specials, and in the next few months we in northern Ohio look forward to even more extensive educational programming and concepts developed after the enactment of the 1990 legislation.

Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentlelady from the State of California, Ms. Schenk.

Ms. SCHENK. Thank you, Mr. Chairman.

Let me just say, I wish I knew Larry Irving; I wish he were a friend of mine. Unfortunately, we have not gotten to know each other yet, but I hope we will in your new capacity, and I wish you well. Maybe you will lend me some of those 300 people.

Mr. Chairman, as a new member, you know that I have often deferred to my more experienced colleagues on issues that were particularly brought up in prior Congresses. But as a stepmother of three children and the grandmother of four, I feel confident to comment on the issue of today's hearing, children's television.

This hearing is prompted by reports of noncompliance with the Children's Television Act of 1990. To be honest, I didn't need those reports, I don't think any of us did, to tell us that something is very wrong with the quality of children's programming.

All we need to do is turn on the television during after-school hours or on a Saturday morning. As you pointed out, Mr. Chairman, by the time a child finishes high school, she or he will have spent between 10,000 and 15,000 hours watching television, more hours than sitting in the classroom.

In fact, television has, unfortunately, replaced the classroom as the primary source of information in the average child's life. Given this fact, we have a responsibility, and the President has talked about our responsibilities as Americans, and we have a responsibility as Members of Congress, as parents, to provide children with the programming that complements their school instruction, programming which pays more than lip service to the educational and informational needs of young people.

The Children's Television Act was intended as a wake-up call for broadcasters, a warning that they were not serving our children well. Only 2 years have passed since regulation went into effect, but in those 2 years we should have seen much more progress than we have.

The Center for Media Education's report last September clearly outlines the problem. Instead of developing new programming, stations are simply calling the same old junk by new names when they go before the FCC.

For instance, network affiliates described Saturday morning cartoon programming such as "Super Mario Brothers IV" and "GI Joe" as, quote, "specifically designed to meet the educational needs of children."

Come on. Perhaps we need to clarify that definition. Specifically designed to meet the educational needs of children means Sesame Street; it means Shari Lewis and Lamb Chop; some of the programs that we have seen on Nickelodeon or public TV stations.

Violent cartoons about video games or army paratroopers are not specifically designed to meet educational needs. They are specifically designed to stimulate the market potential of Nintendo products and toys.

The CME report also finds that the small amount of new programming which is being developed is being aired at times that children simply don't watch TV; weekdays at 6 a.m., or at 10 a.m., after they have gone to school. Again, this is an unacceptable and is a violation of the intent of the Children's Television Act.

I look forward to hearing the testimony from our distinguished panel this morning. This is a serious issue, and the subcommittee

should perhaps consider different ways of stimulating the development of programming which will satisfy the intent of the act.

I thank you again for calling this hearing.

Mr. MARKEY. The gentlelady's time has expired.

The Chair recognizes the gentlelady from Pennsylvania, Ms. Margolies-Mezvinsky.

Ms. MARGOLIES-MEZVINSKY. Thank you.

I would like to commend the Chair for his interest in this topic. We haven't had many of these hearings, but I am learning that he indeed is a master communicator. I commend you for becoming part of this dialogue.

As a parent, I know how important the quality of television is, the programming on television is. I have watched it for 20 years, and have found, dramatically, I think, that we need to evaluate and reevaluate the direction we are going in with regard to television, in particular with regard to what our children see on television.

We all understand how easy it is to relish that extra hour of sleep on Saturday or Sunday morning while we use the television as a baby-sitter.

But we also understand how important it is for children to be a part of the current conversation; that is, when a child goes to school, it is important for the child to be able to use the jargon that is part of the television genre of the time. I would like to make sure that the level of that conversation is lifted to a level we all can be proud of.

I now relish the fact that we are reinitiating our efforts with this committee to make sure that will be a part of the future.

I thank you very much, Mr. Chairman.

Mr. MARKEY. The gentlelady's time has expired.

All time for opening statements by members of the committee has expired.

We will now turn to the opening statements of our witnesses. We would advise each witness they have 5 minutes to make opening statements. We will be monitoring that closely. Please try to keep your comments within that time frame.

We will begin by recognizing Jeffrey Chester, who is the Co-director of the Center for Media Education, here in Washington, D.C.

We welcome you, Mr. Chester.

STATEMENTS OF JEFFREY CHESTER, CODIRECTOR, CENTER FOR MEDIA EDUCATION; BROOKE SPECTORSKY, VICE PRESIDENT, WUAB-TV, CLEVELAND, OHIO; PEGGY CHARREN, FOUNDER. ACTION FOR CHILDREN'S TELEVISION, CAMBRIDGE, MASS.; PAUL LACAMERA, VICE PRESIDENT, WCVB-TV, NEEDHAM, MASS.; SHARI LEWIS AND LAMB CHOP, SHARI LEWIS ENTERPRISES; ERNST L. WYNDER, PRESIDENT, AMERICAN HEALTH FOUNDATION

Mr. CHESTER. Thank you, Chairman Markey and members of the committee.

In 1991, the Center for Media Education launched the "Campaign for Kids' TV," a national effort aimed at educating the public about the Children's Television Act. With the closing of Action for Children's Television in December of 1992, we have expanded our

role to ensure a continued and active presence on behalf of children's interests in electronic media.

We work closely with parent, education, and child advocacy organizations, such as the PTA, the American Academy of Pediatrics, the American Psychological Association, and the National Education Association.

It was our hope that the television industry would seize the opportunity presented by the Children's Television Act to introduce a variety of new programs which could stimulate interest in reading, math, science and the arts, teach basic skills that are crucial to a child's development, and give children more information about the world around them. But more than a year after this law went into effect, we are dismayed at the television industry's response.

Last fall the Center for Media Education, in cooperation with Georgetown University Law Center's Institute for Public Representation, conducted an examination of license renewal applications. The report was released in cooperation with the National PTA and the National Education Association.

We found a number of disturbing industry patterns which revealed that overall, television broadcasters were not making a serious effort to serve the educational and informational needs of children.

I would like to briefly summarize two of our most significant findings for the committee. I would also like to request that the entire report be made a part of the record.

First, while we found a handful of new "specifically designed" informational and educational programs for children airing on some stations, many licensees were scheduling them between 5:30 and 7 a.m., making them virtually inaccessible to the audiences they were designed to reach.

Second, throughout the license renewal application submitted to the FCC, we found entertainment programs, from cartoons to reruns of "Leave It To Beaver," masquerading as educational and informational programs for children.

I would like to show the committee a brief 1-minute tape that illustrates the second finding. You will see some clips from some shows, and then quotes which appeared in the license renewal applications.

Mr. MARKEY. We will just hold for 1 second while we turn off the lights there in the back of the room.

[Videotape shown.]

Mr. CHESTER. There were many, many more examples we found in license renewal applications and which were cited in our report. In its notice issued last week, the FCC highlighted many of the same problems we mentioned in our report. Based on its own example of renewal applications, the FCC concluded its rules need to be strengthened. We agree.

In our work with communities around the country, our staff have heard repeated claims from broadcasters that they can't afford to put educational and informational programming on the air. But this claim is undercut by numerous articles in the trade press which show that children's broadcast television is a very profitable, hot market, which has been growing steadily over the last 5 years.

Many broadcasters also claim no one will watch educational programs, but this assumes a false dichotomy; if a program is designed to be educational or informational, it must be dry or boring. This assumption is really challenged by the success of such shows as "Sesame Street."

There are plenty of highly-talented and serious producers who are committed to creating new programming which will inform and educate youngsters in an imaginative and engaging format, but they have been consistently thwarted in their efforts by the broadcast gate keepers.

While cable TV offers some alternatives, as has been noted, over 35 percent of U.S. families don't get cable.

American children are in crisis. One-third of our youngsters are starting school unprepared to learn. U.S. students are lagging behind those in the rest of the world. TV has an important role to play to help solve some of these problems. Broadcasters should invest in our Nation's future by fostering a new generation of innovative programs which harness the power of television as a positive force in the lives of our children.

Thank you.

Mr. MARKEY. Thank you very much.

[Testimony resumes on p. 20.]

[The report referred to follows:]

A REPORT ON STATION COMPLIANCE WITH THE CHILDREN'S TELEVISION ACT

Prepared by

Center for Media Education
Institute for Public Representation, Georgetown University Law Center

In 1990, after years of studies and testimony from child development experts, educators, and broadcast industry representatives, Congress enacted the Children's Television Act. Noting that television plays an influential role in the lives of children, and that "on average, a child spends more time watching television than he or she spends in school," lawmakers concluded that TV broadcasters -- particularly commercial television -- needed to do better in "providing unique and positive educational opportunities for children."[1]

"Our children are this nation's most valuable resource, and we need to pay special attention to their needs," declared one Congressional report. "Study after study has demonstrated that students in the United States are lagging badly behind those of the rest of the world. Today, we are finding that far too many of our children cannot read, add and subtract, or understand the meaning of important events."[2]

The Children's Television Act was intended by Congress to "increase the amount of educational and informational broadcast television programming available to children."[3] To achieve this end, the Act requires broadcasters -- as a condition of license renewal -- to serve the educational and informational needs of children through their overall programming, "including programming specifically designed to meet those needs."[4] Under the provisions of the new law, all commercial television stations must submit a list of their children's programming efforts to the Federal Communications Commission every five years when their licenses come up for renewal.

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[1] H.R. Rep. No. 385, 101st Cong., 1st Sess. 5 (1989)
[2] S. Rep. No. 227, 101st Cong., 1st Sess. 5 (1989)
[3] S. Rep. No. 227, 101st Cong., 1st Sess. 1 (1989)
[4] Children's Television Act of 1990, Pub. L. No. 101-437, 101st Cong., 1st. Sess. (codified at 47 U.S.C. § 303b(a)(2).

October 1, 1992 marks the end of the first year since this new law took effect. The Center for Media Education, in collaboration with Georgetown University Law Center's Institute for Public Representation, has been reviewing the license renewal applications of all commercial stations in the first eight states where stations were required to file under the provisions of the new law.[5] For this report, we selected 15 metropolitan areas ranked by size according to area of dominant influence (ADI) as listed in *Broadcasting Yearbook*.[6] In order to obtain a broad sample covering a wide range of market sizes and geographical areas, we selected five large, five midsize and five small markets, distributed as evenly as possible over the eight states we were examining.[7] We examined renewal applications from a total of 58 stations, which included 15 ABC affiliates, 13 CBS affiliates, 12 NBC affiliates, 8 Fox affiliates, and 10 independent stations.

The purpose of our examination was to find out how stations are responding to the programming requirements of the Children's Television Act. We were particularly interested in what efforts had been made to provide programs "specifically designed" to serve the educational and informational needs of children, aged 2-16, as required by the new law. (Though the FCC has ruled that short-segment programs, including vignettes and PSAs may qualify as "educational and informational" programming required by the law, the Commission has also made clear that "broadcasters must air some standard-

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[5] Arkansas, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee.

[6] Broadcasting and Cable Marketplace (1992) ("Broadcasting Yearbook"). The markets are Detroit, MI; Cincinnati, OH; Nashville, TN; New Orleans, LA; Louisville, KY; Jackson, MS; Baton Rouge, LA; Fort Smith, ARK; Traverse City - Cadillac, MI; Terre Haute, IN; Laurel - Hattiesburg, MS; Jonesboro, ARK; Jackson, TN; Bowling Green, KY; and Lafayette, IN.

[7] The 15 markets actually include 62 stations. However, one station, WGPR in Detroit, did not have an application available at the FCC as of September 9; one station, WGMB in Baton Rouge, received its license in 1991, and so was not due to file for renewal until 1997; and two stations, WCCL in New Orleans and WNTZ in Jackson, MS, were off the air.

length children's programs in order to fulfill this requirement." *Emphasis added.*[8] We also examined how broadcasters were reporting their compliance efforts and whether or not they were complying with the minimum reporting requirements of the FCC. Our purpose was not to evaluate program content, but rather to identify patterns in the overall response to this new law and to assess the degree to which the law is having the effect intended by Congress.

MAJOR FINDINGS:

1. Our examination reveals that overall, television broadcasters are not making a serious effort to adequately serve the educational and informational needs of children.

We have found a pattern of disturbing industry practices which raise serious questions about the broadcasting industry's commitment to fulfill the mandate of the Children's Television Act. Though some new programs have been created in direct response to the new law, a significant number of stations are scheduling them at times when they are virtually inaccessible to the audiences they were designed to reach. It is also evident that reporting requirements established by the Federal Communications Commission to determine station compliance are grossly inadequate.

2. Many stations are not providing the minimum information required by the Commission.

Over a quarter of the stations in our sample failed to provide the required information as to date, time, and duration of the programs cited as educational and informational.[9]

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[8] Policies and Rules Concerning Children's Television Programming, Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations, 6 FCC Rcd 5093, 5101 (August 26, 1991). ("August Order")

[9] Policies and Rules Concerning Children's Television Programming, Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements

We also found that because the FCC has made reporting requirements so lax, stations are allowed to submit summaries of their programming efforts in any form they choose. Station submissions varied from a single page to more than 50 pages. Rather than identifying which programs were "specifially designed" to serve the educational and informational needs of children, many stations lumped all their programming into such vague categories as: "programs specifically designed for children," programs "which contain elements of information/educational material," or "programs broadcast on this station providing significant treatment of issues for kids."

One submission from an independent station in Louisville, Kentucky consisted entirely of twenty-two pages describing sixty-five episodes of the syndicated series *Widget*, accompanied by a statement from the syndicator asserting that its show is "FCC friendly."[10] Another station in Jackson, Mississippi submitted a list of "good and wholesome entertainment for our viewers age 16 and under," which consisted of 24 programs, 23 of which were cartoons such as *Alvin and the Chipmunks, Tom and Jerry's Kids,* and *James Bond, Jr.* "Each program does, of course, have commercial content," the statement explained, "but represents the commitment this station has to providing quality entertainment to the children of our viewing area and community."[11]

3. While a handful of new "specifically designed" informational and educational programs for children are now airing on a regular basis on some stations, many licensees are treating them as token "FCC shows" and scheduling them in marginal time periods.

A small number of new syndicated live action/magazine news programs are appearing on license renewal applications as evidence of compliance with the

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for Commercial Television Stations, 6 FCC Rcd 2111, 2116 (April 12, 1991) ("April Order"), aff'd in part 6 FCC Rcd 5093 (August 26, 1991). ("August Order")

[10]License renewal application, WBNA, Louisville, Kentucky.

[11]License renewal application, WDBD, Jackson, Mississippi.

Children's Television Act. (These programs – *Not Just News, Wide World of Kids, K-TV, Way Cool,* and *Scratch.* -- are routinely referred to in the industry as "FCC compliance shows.") However, according to those stations that did provide program times, nearly 60% of these series are scheduled between 5:30 and 7:00 A.M.

A station in New Orleans proudly described *Wide World of Kids* as a program which is "especially educational for those children in the New Orleans viewing area who rarely, if ever, get to travel to other areas of the the United States and the world. This educational program will open up young minds to be more receptive in school lessons." The station broadcast one episode of the series every Saturday during the sixteen week period between October 1, 1991 and January 31, 1992. During that time, the program was repeatedly shifted in the schedule, airing four times at 12:30 P.M., six times at 6:00 A.M., and six times at 5:30 A.M.[12]

Another station described *Scratch* as a weekly "magazine style show targeted to teens age 12-17, a fast paced program that includes entertainment features and real-life stories that reflect the values and issues facing today's youth. Serious issues tackled include teen AIDS, runaways, DUI, gang violence, teen pregnancy and many other hard issues." This show was scheduled on Saturday mornings at 6:00 A.M.[13]

4. Many broadcasters are responding to the new law's programming requirements primarily by inserting "pro-social" content or "educational moments" into entertainment programs, or by redefining standard cartoon fare in educational terms.

Many of the license renewal applications examined included plot summaries of entertainment cartoons describing the actions of the characters in

[12]License renewal application, WVUE-TV, New Orleans, Louisiana
[13] License renewal application,WDIV, Detroit, Michigan

ways that make them sound educational. For example, in the file for WGNO, New Orleans, Louisiana, we found 9 pages describing the plots of such animated syndicated series as *Tiny Toon Adventures, Bucky O-Hare, Tale Spin, Ducktales, Chip 'n' Dale Rescue Rangers, Casper,* and *GI Joe.* Typical plot descriptions included:

> *Chip 'n Dale Rescue Rangers:* "The Rescue Rangers stop Chedderhead Charlie from an evil plot. The rewards of team efforts are the focus in this episode."
>
> *Bucky O'Hare* "Good-doer Bucky fights off the evil toads from aboard his ship. Issues of social consciousness and responsibility are central themes of program."
>
> *GI Joe:* "The Joes fight against an evil that has the capabilities of mass destruction of society. Issues of social consciousness and responsibility are show themes."[14]

An NBC affiliate described the following episodes from the Saturday morning cartoon line-up as "specifically designed to serve the educational and informational need of children 16 and under:" *Super Mario Brothers: 4* : "Yoshi learns to have more self confidence;" *Yo Yogi!*: "Snag learns that he can capture the bank-robbing cockroach more successfully by using his head, rather than his muscles;" *Captain N:* "Kevin learns the meaning of teamwork;" and *Prostars:* "Jennifer Twist runs away to New York City and finds that being a runaway can be frightening."[15]

These cleverly-crafted plot summaries suggest that the broadcasting industry has devised a conscious strategy of redefining virtually all entertainment programs for children as "educational and informational." The practice is best described in the license renewal application of a station not included in our market sample: "[T]he bulk of the network's Saturday morning

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[14]The station grouped all the programs together under the heading: "Summary of WGNO Television's response to the educational and informational needs of children, through programming which furthers the development of children age 16 and under in any respect including their intellectual/cognitive or social/emotional needs.".
[15]License renewal application, WDIV-TV, Detroit, Michigan

children's programming attempts to teach or reinforce beneficial social values primarily through the use of the fictional cartoon characters."[16]

Our examination also revealed that some of the network programs which critics have said are designed to educate -- e.g., *CBS Storybreak*, *CBS Schoolbreak Specials*, and *ABC Weekend Specials* -- were routinely pre-empted, according to station filings. [17]

5. Many broadcasters are coming up with new descriptions of old programs rather than finding new programs to meet the mandate of the law.

During the 1991 Christmas season, for example, several stations aired seasonal staples, which were described in their FCC filings as informational yuletide specials. In one instance, *Santa Claus is Coming to Town* was described as "specifically designed to serve the educational and informational needs of children" because it "answers some of the mysteries, myths, and questions surrounding the legend of Santa Claus."[18] A New Orleans independent station included ten episodes of *Leave It To Beaver* in its general listing of programming serving the educational and informational needs of children. In the October 3 episode -- which aired at 1:30 P.M. on a weekday -- "Eddie misunderstands Wally's help to girlfriend, Cindy, and confronts Wally with his fist. Communication and trust are shown in this episode."[19]

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[16]License renewal application WXVT, Greenville, Mississippi

[17]For example, WHLT, Hattiesburg, Mississippi, reported that CBS Storybreak was pre-empted on October 5 and October 12, 1991 , and that the CBS Schoolbreak Specials were pre-empted on Oct. 22, December 3, December 17, and December 25, 1991.

[18]License renewal application, KAIT, Jonesboro, Arkansas.

[19] License renewal application, WGNO, New Orleans, Louisiana.

6. Most of the programming that broadcasters cite in their efforts to comply with the law falls into the vague category of "pro-social," while little of the programs appear to be serving the informational needs of children.

In the definition adopted by the FCC, programming is educational and informational if it "furthers the positive development of the child in any respect, including the child's cognitive/intellectual or emotional/social needs."[20] It was hoped that this definition would fulfill the intent of Congress in passing the Act to allow licensees the flexibility to meet children's needs in creative and diverse fashions.[21]

Broadcasters appear to have seized upon the second part of the FCC definition and are focusing most of their attention on social needs, while failing to serve cognitive/intellectual needs. "Pro-social" has become a term of art among the broadcasters that allows them to describe almost anything in terms that sound vaguely beneficial. Because it is so easy to apply the "pro-social" label to children's entertainment, shows bearing this tag predominated among the programs listed as specifically designed for children.

7. Very few stations are airing any locally-produced programs which are designed to served the educational and informational needs of children.

Ten of the 58 stations in our sample reported producing locally originated regularly scheduled half-hour programs. Only one station however, WWL, New Orleans, stated in its renewal application that it had created a show – *Our Generation* – in response to the Children's Television Act. Another station, WAFB, Baton Rouge, LA, did say that its show, *Kids' Jamboree*, is "specifically designed for the education of children under the age of 12 in the moral and ethical areas of life." Unfortunately, the show airs at 6:00 A.M. on Sundays.[22] A

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[20] August Order 6 FCC Rcd at 5099.

[21] See Reply Comments of the Donald McGannon Communication Research Center at 7 (filed February 20, 1991).

[22] License renewal application, Baton Rouge, Louisiana.

local Detroit show called *Kidbits*, featuring "science demonstrations geared toward elementary school children," was scheduled at 6:30-7:00 a.m. on Saturdays and 5:30 A.M. on Sundays.[23]

8. Some stations are including programs in their filings that are unrelated to the requirements of the Children's Television Act.

The law stipulates that broadcasters will be evaluated on the basis of their overall programming efforts. As the FCC explained: "General audience programming can contribute, as part of the licensee's overall programming, to serving children's needs pursuant to the Act. It does not by definition, however, satisfy the additional requirement that licensees air some programming 'specifically designed' to serve the educational and informational needs of children."[24]

Many broadcasters appropriately included in their renewal applications general audience programming that may serve children's needs. However, we also found numerous instances where stations have compiled lists of general programming unrelated to the needs of children. Among the most egregious examples was a station that listed several pages of programs under the category of "general audience programming which contributes to satisfying children's educational and informational needs." Included in the list were three programs – *Hard Copy, CNN Headline News*, and a local newscast– all of which were scheduled after midnight. (One of them was on at 2:35-3:10 A.M.) The same station listed several broadcasts of *The Donahue Show* and *The Jerry Springer Show* – dealing with such topics as "Parents who allow their teenagers to have sex at home" and "How does a kid become a killer?" – all airing on weekdays at 10:00 A.M.[25]

[23]License renewal application, WDIV, Detroit, Michigan.
[24]April Order, 6 FCC Rcd at 2115
[25]License renewal application, WLWT, Cincinnati, Ohio.

RECOMMENDATIONS:

After evaluating the response of stations in our market sample to the mandate of the Children's Television Act, we make the following recommendations:

1. The Federal Communications Commission should conduct an inquiry to determine whether the broadcasting industry is meeting the mandate of the Children's Television Act.

2. The FCC should adopt strict reporting requirements to enable policymakers to evaluate broadcaster compliance with the law.

3. Congress should hold oversight hearings into the broadcasting industry's compliance with the Children's Television Act.

Mr. MARKEY. Our second witness, as Congressman Gillmor pointed out, is Mr. Spectorsky, vice president and manager of WUAB TV, here from Ohio.

Welcome.

STATEMENT OF BROOKE SPECTORSKY

Mr. SPECTORSKY. Good morning.

My name is Brooke Spectorsky. I am Vice President and General Manager of Channel 43, WUAB in Cleveland, Ohio. I also serve on the Board of Directors of the Association of Independent Television Stations.

INTV supported the 1990 Children's Television Act. We continue to support the objectives of the act and will work with the Congress and the FCC to implement the statute.

The vast majority of television broadcasters are providing programming that meets the informational and educational needs of children. At WUAB, we have devoted a large amount of resources to the development of local children's programming.

We produce several regularly-scheduled programs "Just for Kids" and our "Kidsland" specials. These programs are primarily directed at children ages two to one. We also produce informational "Kidsland" vignettes which run six times a day during our most popular children's programming. We also broadcast "LCC Perspective," a young-adult and teenage-oriented show which is produced in conjunction with Lorain Community College.

"43 Focus," another show, is a regularly-scheduled public affairs show, portions of which are devoted to young-adult issues.

We are particularly proud of the number of specials produced just 6 months after the act was passed. We broadcast three half-hour specials on the environment entitled, "No Time to Waste—Just for Kids." These programs aired at 11:30 in the morning to coincide with viewing in hundreds of classes throughout the Cleveland metropolitan area. Over 65,000 students participated, over 3 days.

We also aired a prime-time hour special called "Smashed, Trashed and Wasted," which was geared toward the prevention of teenage drunk driving. We followed up the program with outreach assemblies in local area schools.

In March, along with many other independent stations across the country, we will broadcast a 10-hour series called the "Wild West." Produced in a style similar to Ken Burn's documentary on the "Civil War." The show will be broadcast in conjunction with local schools.

WUAB and Warner Brothers will provide hundreds of classrooms, representing thousands of students in the Cleveland area, with special study guides to enhance the educational impact of the series.

Children's programming is very important at my station. Next to my news department, more staff time is devoted to producing children's programming than any other type of programming.

I am not alone. As my written testimony indicates, other independent stations are using a mix of local programs to meet the requirements of the act.

However, the act has only been in effect for 1½ years, you simply cannot create new innovative children's programming overnight. First, it takes time for the production community to develop good quality programming.

As with any show, many concepts fail at the developmental stage. The production community is just beginning to learn which formats will work.

Accordingly, stations are just beginning to see informational programs such as "Beekman's World," "Scratch," and "Wave Length" entering the syndication market. These high-quality children and teen-oriented shows did not exist for commercial television stations 2 years ago.

Second, a particular program is sold only to one station in each market. Thus, with growing but limited supply of informational and educational programs in the last few years, there was simply not enough quality children's programming to meet the demand.

Third, many stations had contracts with children's entertainment suppliers that were executed prior to the act, making it difficult to find time slots for new programs without breaching prior agreements.

Finally, the subcommittee must understand that not all stations are created equal. Small stations and stations in small markets either have limited production capabilities or lack the experience to immediately create high-quality children's programming.

Thus if a station cannot obtain a top-quality children's show in the syndication market, it will take time to develop such programming locally.

These are transitional problems. The children's syndication market is beginning to respond with new innovative programs that meet the needs of children. The key is to create education and informational programming that will be popular with children. It does little good to air programming that will not be watched.

Kids will simply switch to cable cartoon channels or MTV. Also, the competitive pressures of the television industry in the 1990's, require us to air programming that delivers audience.

Television broadcasters, especially independent stations, are no longer the economic fat cats of the communications industry. The market is fiercely competitive. Cable channels which are not subject to this act compete with us every day for the children's audience.

I raise these economic concerns not as an excuse for inadequate performance. Stations can and will meet their statutory obligations. However, it underscores the necessity for creating informational children's programming that will survive in the marketplace.

Educational programming and commercial success are not mutually-exclusive concepts. If given a chance, the programming market, both local production and national syndication, will produce popular programming that meets the statute's requirements.

All the incentives are in place. The act has created a demand and the market is responding. It would be counterproductive to adopt new rules that stifle program innovation at this time.

Now, critics of broadcaster compliance cite renewal applications that were filed shortly after the law went into effect. I do not believe the study is predictive of future performance.

Moreover, I believe most broadcasters do not attempt to use general entertainment programs or traditional cartoons to meet all of their statutory obligations. Broadcasters know the statute requires more.

It is a mistake to believe that broadcasters are not taking their obligations seriously. Our licenses are at stake. No station wants to place its license in jeopardy.

INTV looks forward to participating in the upcoming FCC inquiry on children's programming. It will work with its member stations to act as a clearinghouse on compliance and programming issues. Together we can achieve the statute's goal; serving this Nation's children with quality programming.

Thank you, Mr. Chairman.

Mr. MARKEY. Thank you.

[Testimony resumes on p. 45.]

[The prepared statement of Mr. Spectorsky follows:]

Testimony of
Brooke Spectorsky
Vice President, General Manager
WUAB-TV, Channel 43, Cleveland, Ohio

Good morning, my name is Brooke Spectorsky, and I am vice president and general manager of WUAB-TV, Channel 43 in Cleveland, Ohio. I am currently on the Board of Directors of INTV and am speaking today on behalf of my station and all Independent television stations.[1]

I appreciate the opportunity to address you today on the subject of Children's television. It is an issue of utmost importance to the children of this nation and the broadcasting industry. The INTV board voted unanimously to support the Children's Television Act of 1990. INTV worked with this Subcommittee and its counterpart in the Senate to get the legislation passed. We continue to support the goals of this important statute.[2]

My objective today is to provide the Subcommittee with a real-world assessment of the Children's Television Act. It is not to offer excuses for the television industry. In most instances

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[1]The Association of Independent Television Stations, Inc. is a trade association representing local television stations that are not affiliated with ABC, NBC or CBS. About half of our members are affiliated with Fox. Our membership does not include stations affiliated with the Home Shopping Network.

[2]I have confined my comments to issues concerning the requirement that television stations provide programming that meets the educational and informational needs of children. In no way should this be interpreted as diminishing the importance of the commercial time limits established by the Act. The commercial limits are a vital component of the statute. However, recent debate has focused on broadcaster compliance with the programming obligations. Accordingly, I have focused on issues relating to this obligation.

television stations have faithfully implemented the statute. Is our record perfect? At this stage, the answer is no. Is there room for improvement? The answer is definitely yes. Nevertheless, it is important for the Subcommittee to understand the developing market for new children's programming. This new programming is specifically designed to meet the educational and informational needs of children.

The creation of this market is a direct result of the 1990 Children's Act. I firmly believe that many of your concerns are the result of transitional problems associated with the evolution of this market. Both the Congress and the broadcasters would like to see the market develop at a faster pace. All of us are working towards a common goal -- providing better programming for our nation's children.

The 1990 Children's Television Act, 47 U.S.C. Section 303(b) requires that at renewal the FCC consider the extent to which the licensee:

> [H]as served the educational and informational needs of children through the licensee's overall programming, including programming specifically designed to serve such needs."

The FCC's implementing rules require stations to broadcast "programming that furthers the positive development of the child in any respect, including the child's cognitive/intellectual or emotional/social needs."

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I. THE DEVELOPING MARKETPLACE FOR PROGRAMMING THAT MEETS THE EDUCATIONAL AND INFORMATIONAL NEEDS OF CHILDREN.

The most important part of the Act's programming obligation is the provision of "core" programming that specifically meets the educational and informational needs of children under 16 years of age. Accordingly, television stations cannot rely on general "family" entertainment or traditional cartoons to meet this part of our obligation. A station that relies solely on such programming to completely satisfy its obligations does so at its peril. Moreover, while the statute and the FCC's implementing rules do not mandate quantitative minimums, it is fairly clear to me that stations must provide some amount of standard length programming.

The Act has created a demand for the production and development of specific programs that fulfill the statutory requirements. However the statute has been in effect for only a year and a half. The FCC's rules implementing the programming obligations became effective in October, 1991.

It is important to remember that broadcasters and the production community cannot turn out new product over night. It may take years to develop good quality programming that is not only educational and informational, but also popular with children.[1]

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[1]Importantly, Title II of the 1990 Children's Television Act, 47 U.S.C. Section 394, established a national endowment to promote the production of television programming that is specifically directed toward the development of a child's intellectual abilities. The endowment, which could further stimulate the production of children's programming, has been under funded. Moreover, the government has yet to establish specific rules for obtaining such funds. Even if funds become available, commercial

This latter point is extremely important. Programming must be popular with children. As a matter of public policy, it does little good to broadcast children's programs that will not be watched.

Unlike the Big-3 networks, Independent stations lack the resources to produce nationally based children's programming. The major networks have the financial and production resources to acquire quality children's programs and place them on the network. Independent stations have only two sources of programming available to them. Stations can either acquire children's programming through the syndication market or produce children's programming at the station. While the statute does not require local production, many Independent stations are producing local children's programming.

A. Developments in the Children's Syndication Market

The 1990 Children's Act has served as a catalyst for the production community. Stations are demanding programs that meet the educational and informational needs of children.

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television stations cannot gain access to programming for two years after it is produced. Public television stations are given a priority. In many respects the private market is moving faster than the government's program development process.

The endowment illustrates an important point. Most of the top quality children's programming on public television was developed with public funds. As a result, it is somewhat unfair to compare children's programming on public stations with commercial stations. Moreover, public stations are not subject to the same marketplace pressures.

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Two years ago, the supply of such programming was rather limited. Today the supply is expanding. The following is just an illustrative list of the new programming that has become available to local television stations since the Act was passed.

The World According to Kids:	A news show directed at children. The program is a weekly half-hour series.
Zoo Life Magazine:	A half-hour weekly show looking at the work done by zoos and aquariums to preserve endangered species.
The Edison Twins:	An award winning half-hour weekly series combining science and adventure. The show has appeared on the Disney channel and is now available for broadcast syndication.
Teen Court:	A half-hour reality show in which teenagers who have broken the law face a jury of their peers.
Beakman's World:	A half-hour weekly children's program focusing on science.
Real News for Kids:	A weekly half-hour program that presents news in a way kids can understand.
Scratch:	A weekly half-hour magazine show for teenagers and young adults. This show first became available in 1991.
Hallow Spencer:	A half-hour show with puppet characters designed for children ages two to eleven.
Wave Length:	A half-hour talk show designed for teens and kids. Segments within the show discuss important problems such as drugs and teen pregnancy.

Independent television stations are just beginning to see the production community devote the necessary resources to the creation of programming that meets the educational and informational needs

of children. I fully expect this market to expand and grow. Nevertheless there are several factors which explain why it has taken some time for the market to develop.

First, as with the production of any program, the development of new children's programming is risky. Even in the context of general entertainment shows, most programs fail in the marketplace. For every success there are twenty failures. If you include the development process the failure rate increases, for every successful pilot there are fifty failures. Moreover, creating informational and educational programs for the commercial marketplace is a fairly new business for most program distributors. Large studios and production companies are just figuring out formulas to create informational and educational programs that are popular with children.

An example of the progress made by the programming community is Warner's production of the "Wild West." This program will run for ten hours on mostly Independent stations beginning in March. The program was produced in the style of Ken Burn's excellent documentary of the Civil War. Most importantly, the show will be broadcast in conjunction with an outreach program to local schools. Study guides for the program will be made available to schools across the country. WUAB has contacted schools in our local area and will be providing over 10,000 students with study guides.

Beginning in August, WUAB will broadcast the syndicated show "Wave Length," a talk show specifically designed for teens and kids. The show will contain segments focusing on contemporary

issues such as drugs, teen pregnancy and dropping out of school. "Wave Length" will be aired in the 5:00 - 5:30 PM time slot. This is a very risky venture for our station. This time slot has been filled with general family entertainment, usually family oriented sitcoms. However, we believe the risk is worth taking. The program has been cleared on stations amounting to 75 percent of the country. Of the stations clearing the program 80 percent will broadcast the show at 4:30 PM or later. The show has been in development for over a year.

Second, there is the issue of exclusivity. While the list of quality educational and informational shows is steadily expanding, only one station in each market can secure the rights to any particular show. Accordingly over the past year, with an expanding but still limited program supply, not every station in a market could acquire popular shows such as "Beakman's World."

Finally, there is the question of shelf space. Program contracts for children's programs generally last for several years. Thus, when the Act was passed many stations had contractual commitments with children's program suppliers that ran for a year or two after the date of enactment. The issue became one of finding an available time slot. The problem is most acute for "barter" programs, which make up a substantial amount of children's programming. In a barter situation, the program supplier has pre-sold advertising. The station is required by contract to broadcast the show. If a station takes the show off the air or reschedules it to another time slot, it will have breached its contract. As

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a result, stations have to wait until these contracts expire in order to make room for new programming. Today, many of the pre-Children's Act contracts have expired or are up for renewal. As a result, stations are just beginning to have the flexibility to broadcast new programming that is required by the Act.

B. Local Programming

Apart from the syndication market, Independent stations are turning to local production to fulfill their statutory obligations. At my station, WUAB, we have devoted significant resources to creating programs that meet the informational and educational needs of children. Local production is expensive and very risky. WUAB has approximately five full time people specifically devoted to the development and production of children's programming. Next to my news department, more staff time is devoted to producing children's programming than any other type of programming.

The issue is not simply a question of financial resources. Local stations have traditionally devoted their local production capabilities to news and sports. Developing a quality children's program that will be both educational and attract an audience is a fairly new experience. Indeed, there are very few people in the industry with backgrounds in both education and programming. The industry is still learning how to create such programming on a local level.

Over time, local programming efforts may help increase the supply of good quality children's programming at the national level

as locally produced programs find their way into the syndication marketplace. For example, WGN, in Chicago, is producing "Energy Express," a sports and adventure program for teens which will be available for broadcast syndication soon. In the next few years, more and more of these programs will appear on television stations across the country. Some programming concepts will fail, while others succeed.

I believe my station's efforts to produce local children's programming exemplifies this trend in local program production. Every Saturday morning we produce and broadcast a five minute program entitled "Just for Kids." The show is hosted by individuals from the community who are invited to teach children something different each week. We have covered issues such as, avoiding strangers, gun safety, drugs and the D.A.R.E. program, local indian culture, animals and fossils. In April, 1992, we expanded the concept and produced three half-hour specials on the environment entitled, "No Time To Waste - Just For Kids." The program aired at 11:30 AM to coincide with hundreds of classes throughout the Cleveland metropolitan area so that 65,000 students could participate.

Our most popular effort has been the development of "Kidsland." Once a month, we produce a "Kidsland Special," a half-hour program of exclusively educational and informational content. Our "Kidsland" specials, which air in key kids time periods, have addressed such topics as the environmental benefits

of composting, local history, losing the world's rain forests, and a trip to the Cleveland symphony.

In September, 1992, we produced a prime-time hour special called "Smashed Trashed and Wasted." The program was geared towards the prevention to teenage drunk driving. We followed-up the program with outreach assemblies in local area schools, which included experts on the problems of driving while intoxicated.

Every Saturday morning we produce and broadcast a half-hour program called "LCCC Perspective." This show is produced in conjunction with Lorain County Community College and is written, hosted and produced by students under station supervision. The program is geared towards younger teens. We have dealt with health and education issues. A particularly touching story focused on the courage of a high school athlete who was diagnosed with terminal cancer.

Apart from specific children's shows, WUAB produces a general public affairs show entitled "43 Focus." This program emphasizes issues facing Cleveland. This one hour program airs on Saturday mornings. While the show addresses many issues, we periodically focus on children's issues. We have had programs on the Boy Scouts, Girl Scouts, Junior Achievement, unsafe toys, and lead paint poisoning.

We have also devoted a significant amount of time during our 10 O'clock News to children's issues. WUAB broadcasts "Ramona's Kids," a weekly feature during the news. Because it is broadcast later in the evening, we focus on issues of concern to the teenage

segment of the child audience. This news segment has covered issues such as teen pregnancy, homelessness, and the unfortunate crime of murder at the hands of children.

C. Short Segment Programming

The FCC's rules make it clear that short segment programming alone will not satisfy statutory requirements. Standard length programming is required. However, short segment programming can contribute towards satisfying a station's obligations. Short segment programming is especially effective at delivering specific educational and information messages to children. When mixed with popular children's entertainment programs, the messages are likely to reach their intended audience. After all, advertisers have been using spot programs to inform audiences for years. There is no reason not to use similar techniques to inform and educate children.

For many stations, short segment programming is directly related to local production. For example, we produce 30 second "Kidsland" spots that are run six times a day -- three times in the morning and three times in the afternoon -- during our most popular children's programs. We have addressed such issues as the environment, school safety, recycling and phone friends -- an afternoon hot line for latch-key kids.

We also air various public service announcements during our children's programming that are specifically designed for children. We have broadcast PSAs on forest fire prevention, seat-belts,

Presidents Council on Physical Fitness and the Partnership for a Drug Free America.

The Fox network has been a leader in including intersticial messages in its children's programming. These short segments have covered issues such as peer pressure, avoiding strangers, safety and the dangers of drugs.

D. Meeting Educational and Informational Needs Through General Entertainment Programming.

Both the 1990 Children's Act and the FCC's rules make it clear that television stations cannot rely on the existence of pro-social messages contained in general entertainment shows, or in popular cartoons, to satisfy all of the statute's requirements.

I simply disagree with those stations that attempt to list all episodes of their entertainment shows as meeting all of their statutory obligations. Stations err in assuming this meets all of their obligations under the act.

Nevertheless, the statute states that a station can rely on such programming in meeting its more generalized obligation to provide programming that meets the needs of children. In some instances, such programming can be relied upon to meet the specific educational and informational needs of children.

The Senate Report states that television stations can rely on such programming to meet part of its obligation.

> The Committee believes that a broad range of programming will meet the standard of service to the child audience required by this Section. The Committee notes that general purpose programming can have an informative and educational impact (See "Children's Television

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Programming," 96 FCC 2d 634 n. 39 (1984) and thus can be relied upon by the broadcaster as contributing to meeting its obligation in this important area.[4]

In fact, the Senate Report's citation to the FCC's 1984 Children's policy statement illustrates an important point. As the Commission noted "the real public interest in children's programming involves attracting the child audience to programming that imparts a public interest or pro-social message."[5] In many instances, you can reach more children through traditional family oriented programming. Moreover, both the House and Senate Reports recognized that traditional children's entertainment shows such as "Fat Albert and the Cosby Kids," "Winnie the Pooh," and "The Smurfs" are examples of children's shows that are educational and informational.[6]

Thus, based on the legislative history of the 1990 Children's Act, it is incorrect to state categorically, that stations cannot rely on such programming to meet, at least in part, their statutory obligations. Children can and do learn from such programming. I

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[4]Senate Committee on Commerce Science and Transportation, S. REp. No. 227, 101st Cong., 2d Sess. at 23. See also, House Committee on Energy and Commerce, HR Rep. No. 385, 101st Cong., 1st Sess. at 17.

[5]Id. Analyzing data from its Children's Television Task Force, the FCC observed that traditional children's programs were seen by only half as many children as "Happy Days," an adult program. Thus, educational and informational messages embodied in such programs may provide a superior means for reaching the child audience.

[6]Report and Order, In the Matter of Policies and Rules Concerning Children's Television Programming, MM Docket No. 90-570 (April 12, 1991) at para 21., citing House Report at 17, Senate Report at 23.

would be a tragic mistake for the FCC or Congress to now conclude that such programming can never be relied on to meet the educational and informational needs of children. Moreover, it would be unfortunate for the Congress or the Commission to impugn the educational and informational value of programming simply because such programming is commercially successful.

I believe the statute requires a more detailed examination. There should be a nexus between the program and the "unique educational and informational" needs of the child audience. We must also look at the "special characteristics of various segments of the child population." Under this approach, there may be instances where generalized entertainment shows or animated children's shows do provide important information for children.

At WUAB, we carefully examine our general entertainment shows and their relationship to issues that address the educational and information needs of children. For example, the situation comedy "A Different World" had an episode devoted to racism in a segregated country club. Race relations are an important issue in Cleveland and the episode provided valuable insights. However, WUAB does not attempt to classify all of its family oriented shows as programming that meets the specific educational and informational needs of children. In fact, we generally do not count these shows as contributing towards our statutory obligations.

II. INDEPENDENT STATIONS ARE COMPLYING WITH THE 1990 CHILDREN'S TELEVISION ACT.

My station's commitment to the spirit of the 1990 Children's Television Act is not unique. Most Independent stations are, or will soon be, providing specific core programming designed to address the educational and informational needs of children. The sources for this programming are a combination of new syndicated product and locally produced programming. In addition, the industry is inserting short segment informational programming during its prime kids hours. The following exemplifies the efforts of Independent stations.

WPHL-TV, Ch. 17 in Philadelphia, broadcasts the "What's Up Network" every Sunday morning at 9 AM -- a half-hour news show specifically designed for kids. Also, in conjunction with three local high schools, WPHL produces "Kid Time News," which airs in one minute segments at 7:28 AM and 4:28 PM daily. With the help of the station, the students write and produce shows covering subjects such as art, computers in schools, health tips, and safety.

WDCA-TV, Channel 20 in Washington D.C., broadcasts "Beakman's World," a thirty minute science program directed at children, on Saturdays at 8:30 AM and on Sundays at 9:30 AM. "Romper Room" is aired on Saturdays at 7:30 AM. "Real News for Kids," a half-hour syndicated children's news show, is broadcast on Saturdays at 6 AM. In addition, throughout is children's program schedule, WDCA airs informational spots directed at children such as 1) "Your World," a series of news and information capsules covering health, current

events and history; 2)"Stay in School," featuring Michael Adams of the Washington Bullets[7]; 3)"What's Your Sign," a series of spots featuring hearing-impaired students produced in conjunction with Galludet University in Washington; and 4)"Hola Amigos," a series of Spanish language educational spots.

KCOP-TV, Channel 13 in Los Angeles, produces a one hour program called "L.A. Kids" which airs every Saturday from 6:00 - 7:00 AM. The show is produced in cooperation with the Los Angeles Unified School District and targets kids age 9-14. It addresses health and social concerns, introduces the audience to positive role models and uses school children to address issues of importance to kids.

KPHO-TV, Channel 5 in Phoenix, broadcasts "Scratch" on Sundays at 11:30 AM. "Beakman's World" airs on Saturdays and Sundays at 4:00 PM. The station also produces a short segment program called "Insights." These segments deal with issues such as self-esteem, education, crime and drug abuse.

KCPQ-TV, Channel 13 in Tacoma, has produced half-hour children's specials on the Seattle International Children's Festival. The station has produced half-hour specials on the environment, "Earth Song I" and "Earth Song II," which were designed for children. In addition, the station has aired a half-hour locally produced special called "Colors of Harmony" showing how all nationalities celebrate holidays in different ways. Two

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[7]DCA follows up this spot by sponsoring a series of "Stay in School" rallies at junior high schools and intermediate schools throughout the area.

specials have already been broadcast and a third is planned for 1993. Additional specials include "Academic All-Americans," Ghostwriter" and "Skin Deep," a program on discrimination. KCPQ also broadcasts the syndicated programs "Romper Room" (Mon -Friday at 6 AM), "Not Just News" (Saturday at 12 noon), and "Way Cool."

Apart from regular length programs, KCPQ broadcasts a variety of short segment programming. "Q-13 Kids Club Special Reports" are 60 second to two minute segments broadcast 5 to 15 times a week on topics of interest to children. Moreover, the station broadcasts the Fox Children's Network's interstitial messages on subjects such as child safety, avoiding strangers, answering the telephone when your home alone, and what to do if you're lost. Finally, the station broadcasts a number of child motivational PSAs directed at kids covering subjects such as teamwork, loneliness, and peer pressure.

WPWR-TV, Channel 50 in Chicago, produces a weekly program called "Kidstalk," which focuses on issues of concern to kids. In 1991 the station broadcast syndicated children's programs such as "Romper Room," "Scratch," "Widget," and "Captain Planet." For the 1992 - 1993 season, the station included "News for Kids" in its line-up. In 1994 the station will broadcast "W-5," a news program for kids hosted by Linda Ellerby. In addition, WPWR broadcasts numerous PSAs throughout its children's programming that are directed towards the child audience.

KTVT-TV, Channel 11 in Fort Worth, airs the series "Saved By The Bell" seven days a week. The program addresses issues

confronting teenagers. During its kids shows, KTVT produces a series of vignettes focusing on educational issues for kids. The station also produces "Kid-Cam 11" featuring stories of kids produced by kids. Throughout its kids programming the station broadcasts numerous PSAs directed at children.

WAWS-TV, Channel 30 in Jacksonville, Florida, broadcasts a quality children's programs on Saturday mornings including "Not Just News" (a news show for kids) and "What's Up Network for Kids" (created for children ages 6-12). In addition, the station produces 30 second vignettes called "Kids Bits" throughout its children's programming. These segments focus on health and safety tips and are hosted by the station's kids-club host Safari Sam.

I could provide the Subcommittee with countless examples of stations providing specific programs that are designed to meet the educational and informational needs of children. The stations listed above are just a few examples of overall industry practices. For every "bad actor" there are numerous stations meeting or exceeding their obligations.[6] The point is that most in the industry are taking their responsibilities seriously.

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[6]It would appear that many of the television stations cited in a study conducted by the Center for Media Education, September 1992, involved recent license renewal applications. Importantly, these renewal periods included time periods prior to the enactment of the 1990 Children's Television Act. Because it was the first renewal examination under the new law, problems with compliance may not be representative of future industry compliance.

III. ECONOMIC REALITIES AND THE DEVELOPING MARKET FOR "CORE" CHILDREN'S PROGRAMMING.

The Subcommittee must recognize that commercial broadcasters exist in a volatile economic climate. During the 1970s, America saw an increase in the amount of informational programming directed specifically at children. This occurred at a time when government fostered children's programming. More importantly, it occurred at a time when the off-air television industry was relatively stable. Margins were higher. The cable industry, our chief competitor, was still a nascent industry.

With passage of the 1990 Children's Television Act there has been a rebirth of the government's interest in children's programming. However, economic environment has changed radically. Broadcast television stations are no longer the economic "fat cats" of the communications industry. From 1987-1991 local broadcast television advertising realized a nominal compound annual growth rate of only 2.4 percent.[9] During this time period advertising on cable grew at a compound annual growth rate of 14.9 percent.[10] Advertising on broadcast television is expected to grow at a compound annual rate of 6.4 percent by 1996.[11] Cable will grow at twice that rate, at 12.9 percent.[12] Moreover, competition will

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[9]Veronis Suhler & Associates Communications Industry Forecast, 1992 at 81.

[10]Id. at 114.

[11]Id. at 81

[12]Id. at 114.

increase from proposed technologies such as DBS and perhaps the telephone companies.

Revenues of the average Independent television station are strained. Data compiled by the National Association of Broadcasters and the Broadcast Cable Financial Management Association demonstrate that of all Independent stations, one half (median) reported a loss. Twenty-five percent reported negative cash flows.[13] In 1990, the FCC's Office of Plans and Policy released a report that found:

> Television broadcasting will be a smaller and far less profitable business in the year 2000 than it is now. Although broadcasting will remain an important component of the video mix, small market stations, weak independents in larger markets, and UHF independents in general will find it particularly difficult to compete, and some are likely to go dark.[14]

I raise these economic concerns not as an excuse for inadequate performance. In no way can stations avoid fulfilling their statutory obligations based of purely economic concerns. I simply wish to point out that there are tremendous economic strains on the television industry generally, and the Independent television sector in particular. Our chief competitor, cable, which is not subject to the specific programming obligation, will continue to grow.

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[13]National Association of Broadcasters/ Broadcast Cable Financial Management Association, Television Financial Report, 1991 at 64.

[14]Florence Setzer and Jonathan Levy, Broadcast Television in a Multichannel Marketplace, Office of Plans and Policy, Federal Communications Commission, June 1991 at vii.

The economic pressures on the broadcast industry mean that commercial stations simply cannot afford to keep programming on the air which is not viewed. The best solution to this problem is the creation and development of children's programming that will be popular with children and meet their educational and informational needs. I believe the industry can accomplish this task in the near future.

IV. THE NEED FOR FLEXIBILITY.

In order to develop programming that is both popular and informative, local stations and program producers must remain free to experiment with format types. The new wave of programs entering the market provide an opportunity for children's programs to be educational, informative and commercially viable. To accomplish this objective, television stations and children's program producers should not be subject to new rules that straitjacket the industry with inflexible definitions of what is informational and educational programming.

Many of us grew up with programs, like "Mr. Wizard," which were educational and informational. But these shows will not work in the 1990s. I understand Congress' concern over those stations that simply classify their popular animated shows, such as "G.I. Joe," as meeting their "core" educational programming requirement. Nevertheless, this does not warrant eliminating "good faith" programming judgements by most television stations that are doing their best to comply with the statute. A station must be given the

discretion to explore formats that achieve the statute's goals while at the same time attracting audiences and advertiser support.

V. CONCLUSION

I believe the 1990 Children's Act, in general, has been successful in stimulating new "core" programming that meets the educational and informational needs of children. While there are examples of stations that "push" the limits of the statute, most television stations are ready and willing to comply with the law.

I firmly believe that the programming community and broadcasters will develop children's shows that will meet the specific educational and informational needs of children and also be presented in formats that attract viewers. All the incentives are in place. The Act has created the demand. New product has been produced. Program contracts entered into prior to the Children's Act are expiring, creating more shelf space for new programs. Programs entering the market, such as "Beakman's World," meet these demands and appear to be commercially successful.

The FCC has just commenced a proceeding looking at children's programming. INTV supports the FCC's actions. We need to examine how stations can best meet their obligations under the Act. At our most recent convention, we spent considerable time with member stations focusing on the requirements of the statute. In this regard INTV intends to monitor the progress of its members and their compliance with the new children's Act. Moreover, INTV intends to act as a clearinghouse for information relating to programming that qualifies as meeting the educational and informational needs of children.

On balance, we have an opportunity to create an economic climate that will promote the development of top quality children's programming consistent with statutory requirement. The Act has created an environment where educational value and commercial success are no longer mutually exclusive concepts. Together, we can achieve the statute's goal -- serving this nation's children with quality informational and educational programming.

Mr. MARKEY. Our next witness, Peggy Charren, is the conscience of the broadcasting industry on the subject of children's television. I don't think either of us thought when we were passing the Children's Television Act in 1990 that we would have to come back and revisit it in this way. But unfortunately, it is necessary.

We look forward to the dose of wisdom which you will give to the subcommittee and to the broadcasting industry here today. We welcome you back, Peggy.

STATEMENT OF PEGGY CHARREN

Ms. CHARREN. I enjoy testifying in front of you, Congressman Markey, so much that it may be distressing when finally this whole problem is taken care of and I don't have to come back anymore.

Thank you, Representative Markey, who we have called in public one of the most important TV children's super heroes in the country.

Members of this committee, obviously, I am Peggy Charren, Founder for Action for Children's Television and a visiting scholar at Harvard.

Every broadcaster knows that service to the public is part of the legal obligation that comes with the license to use a piece of a valuable public resource, the broadcast spectrum.

If the broadcaster cannot figure out what education is, the broadcaster should probably be in the shoe business.

The Children's Television Act is primarily a reminder that children are part of the public that broadcasters must serve. We needed this law because broadcasters have proved over and over that without a slap on the hand from regulators, station executives were willing to consider children only as a market, and their programs only as glue to stick to the screen commercials for fast food and costly toys.

I would like to point out that although I don't know Brooke and WUAB very well, I certainly do know the broadcaster on my other side, and if everybody behaved like Paul LaCamera, we would probably not have needed a law in the first place. We are fortunate to have representatives of the industry who prove that you can figure out what terrific programs are.

I am delighted to be here with both of them.

Mr. MARKEY. The NAB never sends bad broadcasters up to testify; it is a great difficulty we have.

Mr. LACAMERA. They are awfully hard to find.

Ms. CHARREN. The question before this committee is how to help the FCC implement the mandate of Congress to increase the amount of informational programs aired for young audiences.

We are pleased the FCC has finally decided to conduct an inquiry to clarify their rules and establish stricter enforcement. It was the FCC's own handling of implementation guidelines that created the climate for the outrageous response of the broadcast industry. With the vagueness of their rules, the FCC sent a signal that it did not expect much from broadcasters in response to this new law. Now, with a new administration which has put the welfare of children high on the policy agenda, it obviously behooves the commission to revisit this issue.

I thought to myself this morning, if they didn't, they might all get fired.

As past history makes clear, Congress will have to use its regulatory oversight function to ensure that the FCC takes seriously the enforcement of the Children's Television Act, and here are six proposals that will help the FCC to measure industry compliance:

The first is that the FCC should adopt a more precise definition of programs especially designed to educate and inform children. Qualifying "core" programs, which is what the FCC calls them, should be defined as programs at least 30 minutes in length, specifically and primarily designed to educate and inform children, and the FCC happily has suggested this definition in its Notice of Inquiry, Docket No. 93-48, of March 2nd, 1993.

I would like to point out here that those programs don't have to be new; they don't have to be designed today. If the industry had wanted to replace some of the stuff that Jeff showed in those—in that little tape, or add to those shows with shows designed to educate, there are shows in the pipeline now.

It is nice that they are thinking of making new ones, but there are certainly shows better designed to serve children than the ones they listed.

Second, as part of the FCC's requirement, stations should be required to identify programs as either "core" programs meeting the above definition, or as additional programming that may have an educational component.

Third, stations should be required to identify the specific educational or informational need each "core" program is designed to serve.

I hope this works better than the little comments they made last time around. They seem to be getting the message.

Fourth, stations should be required to identify each "core" program's target age group. Preschool, 2 to 5; school age, 6 to 11; teenage, 12 to 16. If an examination of this category later, after the next set of filings come in, in license renewal applications, indicates that one or two of these age groups is underserved by "core" programs, the FCC shall promulgate additional guidelines to better equalize service to children.

This is based on the possibility that stations will opt for teenage programming with the idea that they can then attract some of the adult audience, too.

Fifth, only programs aired between 7 a.m. in the morning and 10 p.m. at night will count as "core" programs. Licensees should air "core" programs at times appropriate to reach the age group listed by the licensee as the target audience. That will do away with, I think, running "Scratch," a nifty teenage program that got an award from the NAB, and was mentioned by my co-panelist, the Detroit station ran it at 6 a.m. We all have a hard time finding teenagers who will set the alarm at 6 a.m. to watch an issue program.

And sixth, the FCC should set a processing guideline specifying the minimum number of hours a week of regularly scheduled "core" programs, with special emphasis on the need for Monday through Friday as well as weekend children's "core" programs on every station.

For too long broadcasters have been permitted to have their cake and eat it, too. They masquerade as public trustees, asking special privileges in relation to than other TV delivery systems, even as they whine that educating the child audience is too expensive, defining education is too tough, and any FCC talk about using the public's airwaves to educate the public's children is censorship.

If commercial broadcasters continue to ignore the mandate of the Children's Television Act, they should lose their public trustee status and instead pay spectrum fees.

On the other hand, we could challenge the broadcasters. The evidence is in. Even the FCC seems to be getting the message. Without specific FCC guidelines, commercial broadcasters will continue to permit "GI Joe" and "Bucky O'Hare" to control the child's TV curriculum.

Thank you for letting me come.

Mr. MARKEY. Thank you, Ms. Charren, very much.

The next witness is Paul LaCamera, the Vice President and Station Manager of WCVB-TV in Needham, Massachusetts.

The New York Times has commented that Channel 5 in Boston is the best television station in America. Clearly, that is not at whom this legislation has been aimed. To a certain extent, we will be marrying from the best while the legislation is targeted at the worst.

STATEMENT OF PAUL LaCAMERA

Mr. LACAMERA. Thank you, Mr. Chairman.

As you well know, the Children's Television Act of 1990 is a product of this committee, working with rightfully concerned interest groups and with the broadcast industry itself. When it became law it was heralded as a positive new standard to assist broadcasters meeting and serving the highest interests of their youngest viewers.

I am comfortable in reporting to you today that we in local television have taken this obligation to heart. Recent publicity in this issue, however, may lead to you another conclusion.

The very criticism we have heard here today has been painfully accusatory of our industry and of people like myself who have worked in it for more than two decades.

As a National Association of Broadcasters details in its accompanying testimony, this criticism is premature and fails to address several critical matters, from the lack of worthy children's programming that has been available to broadcasters until recently, to current economic realities.

The FCC reports that the overwhelming majority of television stations are in compliance with the commercial time limits of the law. The NAB reports that the number of entries in its prestigious service to children television awards, increased dramatically this year. A hopeful sign that more and better children's programming is reaching American young people.

We can and should be heartened by those measures. Many stations in numerous markets are airing and producing quality locally-originated programs for children. We at WCVB in Boston are but one example. Between 6 and 8 a.m. each Saturday, WCVB airs

four half-hour programs prior to the start of the ABC weekly Saturday morning children's schedule.

Three of these programs were produced by us, and the fourth was produced by a sister station in Pittsburgh, "Let's Read a Story." Two of these programs appear in other stations across the country as well. WCVB's "A Likely Story," promotes storytelling and reading. "Cappelli & Company" cleverly uses the medium of song to reach and teach preschoolers on not only WTAE and WCVB, but also other stations in the Hearst Broadcasting Group in 1992 alone WCVB produced three hour-long specials for children and young viewers.

"The Incredible Voyage of Bill Pigney" is the remarkable story and adventure of the first African American to sail alone around the world, as an inspiration to black children, that they have the same potential for great accomplishment as do all children. This special also aired twice in prime time on WCVB.

Finally, "Teen Scene," a town meeting format featuring urban children discussing their deepest challenges and hopes.

I can look across our city to Boston to WHBH, which has as its sole mission to interest and excite children about math and science. I can point to WBZ-TV, also in Boston, and its weekly Saturday noon program, "Wrap-Around," where young people get to express themselves on their own issues of the day.

Looking to the coming months, WCVB and Hearst Broadcasting are developing a national public awareness campaign on competitiveness and preparing our work force of the future, a new series for young people, one on science and discovery, and one on High Q.

Boston is not unique. It is not an anomaly. WCVB and broadcasting did not invent the local community broadcasting service, nor do we have a monopoly on them. However, we must keep in mind that children's programming, regardless of its noble intent, just like adult prime-time programs, can and does fail because of the lack of audience and sponsorship support. These are issues we in free over-the-air television have had to confront, our context, our environment has changed. We have been reduced by an unprecedented national recession.

We have been told that perhaps we are soon to be an obsolete medium in the face of new programming sources and new delivery systems. In turn, our programming must be ever more competitive, both in terms of audience delivery and in providing some return on its investment.

What we should encourage is broadcasters continuing to exercise their long-demonstrated commitment to public service and their best editorial judgment to present what they believe serves the children and their local audience, both on air and off.

In the 45-year history of our media, it has been proved over and over again that those stations that best serve the interest of their community and viewers, all their views, from the youngest to their oldest and most loyal, are the stations that enjoy the highest levels of success.

Creating quality children's programming takes commitment along with the classic ingredients of time and money. Columbia Television's "Beekman's World" and Litton Syndication's "Zoo Life"

are two programs that have been embraced by television stations across this country. The ABC network over the past few years received well-earned praise for Peter Jennings' specials.

There needs to be more of these fine examples of both syndicated and network programs for children, as well as local programs like "Cappelli & Company" and "A Likely Story." We are moving in that direction and broadcasters need to be given the opportunity to meet the requirements of the Children's Television Act in a reasonable time frame. And if we don't, then we must be prepared to deal with how the FCC views our failings at license renewal time.

We now face and accept a new and higher ideal for the children who watch and are served by our stations.

I believe you, Mr. Chairman, your colleagues, and all those here today who share our interest in the well-being of children, will see a continued improvement in both the quantity and quality of children's television in the months and years ahead.

Thank you.

[The prepared statement of Mr. LaCamera follows:]

STATEMENT OF THE NATIONAL ASSOCIATION OF BROADCASTERS

The National Association of Broadcasters thanks you, Mr. Chairman, for the opportunity to discuss this important issue with you and the subcommittee here today. NAB represents the owners and operators of America's radio and television stations, including most networks.

Four years ago, at your urging, Congress, broadcasters and other interested parties decided to cooperate in crafting a workable children's television bill. This agreement resulted in passage into law of the Children's Television Act of 1990, Public Law 101-437, legislation which broadcasters agreed not to oppose.

When this legislation became law, it was heralded by many as a positive change. We can report back to you that we are already seeing positive developments from it, and as license renewal cycles continue to come up, we expect even more results to develop.

This law was carefully shaped to balance the needs of children as well as broadcasters' First Amendment rights. The Act imposed two major requirements on television licensees. First, it placed limits on the amount of advertising time that could be sold within children's programming. Specifically, the new law limited commercial time to 10½ minutes per hour on the weekend, and 12 minutes per hour during the week.

Second, the legislation imposed, for the first time, a specific, albeit unquantified, programming obligation to "serve the educational and informational needs" of children. This requirement expanded broadcasters' bedrock public interest obligations, and the FCC now reviews broadcasters' performance as to children during that licensee's renewal review.

In April, 1991, the FCC adopted its Report and Order which implemented the rules established by the Children's Television Act. The programming requirements became effective October 1, 1991, and the time limitations took effect January 1, 1992.

Today, we sit in this chamber to review what has transpired during the first year or year-and-a-half of this law being on the books. As we do so, we believe that we can make some very definitive statements based on the evidence to date:

1. Broadcasters have accepted this new responsibility, and have attempted to comply with its requirements. In particular, broadcasters have already complied with the commercial time limitations in nearly every case (98 percent), according to the Commission itself.

2. Despite what some may believe, the FCC is not looking the other way in it's review of broadcasters' records on children's programming. The Commission is being vigorous in its enforcement, and some stations have had their renewals held up as the FCC has sought more detail about their activities.

3 A report issued last September by the Center for Media Education at the Georgetown University Law Center, which was extremely critical of broadcasters, is a self-serving report that fails to provide to this subcommittee or to the broadcast industry any form of constructive criticism. This so-called report attempted to judge broadcasters before any new programs had a chance to be distributed, added to

schedules and aired. In particular, it was skewed by the fact that it only looked at renewal applications stations filed during the first 3 months of the new programming rules. In addition, the report presents only a part of stations' listings of their programming, when stations, understandably, exercising an overabundance of caution, listed ALL programming in their lineup that might "serve the educational and informational needs of children."

4. The Federal Communications Commission, recognizing that broadcasters need more guidance in this area, has just announced a Notice of Inquiry (NOI), FCC MM Docket 93-48, in an attempt to be more specific about what it is looking for from stations as it evaluates license renewals. And while NAB would oppose the Commission imposing numerical processing guidelines for public interest programs, we look forward to participating in this review in order to assist the Commission and, ultimately, better educate broadcasters about their obligations.

5. Unfortunately, the program production community has not yet responded with the types of programs that the Act suggests. While new children's programming has been created, most of it is entertainment in nature and not "educational or informational." For example, at the recent new program exhibition at the National Association of Television Program Executives held in San Francisco, virtually every new children's show had entertainment as its primary focus.

6. In spite of that fact, however, many broadcasters continue to produce outstanding children's television programming. We will list just a sample of that programming as part of our testimony.

Let us add that there have always been good children's programs on the air, including long before passage of the Act. Programs like "Captain Kangaroo" and others entertained entire generations of children. Of course, they are gone now—clearly demonstrating that the children's television market underwent major upheaval long before we recognized the upheaval in the video marketplace. In a world in which 60 percent of households have cable TV and 80 percent have VCR's, the program choices for children have mushroomed.

As mentioned, NAB worked with you, Mr. Chairman, and others to craft the Children's Television Act 3 years ago. Congress should not expect, however, that implementation of those new requirements would be without hurdles or obstacles.

Today, local stations are creating their own programs, public service campaigns and/or other activities as they reach out to the local community's children. Remember—the Act allows each station to develop its own response to the "educational and informational" needs of its audience, and delegates great discretion to licensees in terms of how they believe best to meet those needs. Stations also have some flexibility in targeting the age groups they can most effectively serve. The Report and Order also states that "programming that furthers the positive development of the child, including the child's cognitive/intellectual or emotional/social needs, can contribute to satisfying the licensee's obligation (FCC Report and Order, April 9, 1991.)"

Each year since 1985, NAB has held a "Service to Children" Television Awards competition. This annual event showcases just some of the outstanding work that local broadcasters are doing on regularly scheduled programs, special programs, public service campaigns aimed at children (including drug and alcohol abuse campaigns), and ethnic or minority programming.

Last year, we saw a marked increase in the number of entries submitted for this competition, especially in the regularly-scheduled category. More than 70 stations entered nearly 200 different programs, with an equal distribution among large, medium and small media markets. Those programs dealt with such issues as AIDS, the environment, life as a teen in modern society, drug and alcohol abuse and prevention, and health, safety and fitness.

The number of new entrants signals an increase in such programming nationwide. This is encouraging, given that it takes many months to plan and develop new programs. Such efforts involve research, interviews with community leaders, and often complicated production schedules in order to reach the widest audience.

Here are just a few examples of the kind of quality programming that stations have developed, all of whom were finalists for awards last year:

—"Kids Talk with Tamara Lister." This program, aired on WRCB-TV in Chattanooga, TN, discusses a multitude of current, social issues. The kids, chosen from area schools, gather at the station's studio quarterly to discuss various topics with the station's news anchor and a local teacher.

—"Popcorn." This outstanding program produced by KATU-TV in Portland, OR, informs and educates children in a creative way. With its format of having kids talk to kids, the show has tackled some tough issues, including the Persian Gulf War.

—"Scratch." This weekly magazine show aired on KXTV-TV in Sacramento, CA, is targeted at teenagers. The show's hosts are teens from the area, and all of the

stories are told from a teen's point of view. The station is now attempting to syndicate this program to other stations around the country.

—"Ecology Kids Challenge II." KCBS-TV in Los Angeles, CA, mixed the challenge of educating kids about the environment with the fun of a TV game show.

—"Time for Kids." At WISC-TV in Madison, WI, the goal of "Time for Kids" is to provide progressive leadership and draw attention to community children's needs and concerns. The project, with its locally produced documentaries, promotions and news coverage, offers an in-depth look at children's issues.

—"Station K.I.D.S." This fast-paced informational show at KODE-TV in Joplin, MO, for children in elementary and middle schools, looks at nutrition, safety, fitness, and other helpful segments.

While these stations and others produce and create their own programs, it is important to remember that nothing in the law requires local origination. Indeed, for some stations, facing tough financial times, it may be fiscally impossible for such local production. Add to that a lack of syndicated programming to meet the new law, and you have presented stations with a tough problem to solve and no easy solutions.

In recent months, several media stories have portrayed broadcasters as insensitive or not serious about their obligations under the Children's Television Act.

Much of this coverage was generated by a report produced by critics of broadcasters' efforts in this area, which was issued September 29, 1992.

The report looked at the license renewal applications filed by stations in the first eight States of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio and Tennessee, in which the license renewal cycle incorporated the new obligations imposed by the law. The study purportedly looked at a sample of 58 stations in 15 TV markets. Interestingly, there are 195 TV stations in those eight States.

In its major findings, the report criticizes stations for "not making a serious effort" to serve the educational and informational needs of children. The report also stated that stations were listing as examples of meeting the requirements programs which had "pro-social" content or "educational moments" in what was otherwise an entertainment program. The report also criticized stations for not carrying new programs, and not producing such programs themselves.

But let us look at each of those criticisms in light of the facts.

First, remember that this study was conducted during the 3 months after the new law had taken effect. It also occurred at a time when the law was so new that neither stations nor their legal representatives had any track record about what the FCC would or would not consider as broadly-defined "educational or informational" programming for children. Thus, it is entirely understandable that stations would, out of an abundance of caution, include any possible program listing which might be construed in some fashion as meeting the intent of the Act.

Were stations taking their obligations seriously? Certainly. But given the newness of the Act, they also were trying to cope with a law that is, by design, broadly worded. It is easy to heap scorn on a station listing plot lines from cartoons as "educational or informational," yet the FCC is the only Agency which can decide what, if any, consideration is given to such examples. And given the severe penalties for non-compliance, including denial of license renewal, we see no evidence that stations were acting in bad faith in this first attempt to deal with the new law.

Did stations list "pro-social" themes in entertainment programs as examples? Certainly. The Act recognizes that within family programs such as "Cosby," "Family Ties," or other shows, important lessons for children are often major themes. The Act does require that some programs be "specifically designed" for children, but clearly as all of us know, children watch all kinds of programs, not just "children's" shows.

Did all stations produce their own programming? No—and the Act does not require them to do so. Were most of the examples listed by stations older programs as opposed to new ones? Of course. Given the newness of the Act, stations would have found it very difficult either to create or purchase new programming to meet the Act. Remember—the law took effect during the middle of a TV season, which normally runs from September through May. In particular, syndicated programs have a long lead time before the show is ready for stations to air—often 1 or 2 years. Local development also can take many months. For example, new joint venture between the Wisconsin Broadcasters Association and Wisconsin Public Television on a program called "Get Real" took one full year from first discussions until the first program was produced and aired.

The fact is that this report was a premature and unfair look at how television broadcasters were meeting the requirements of the Act. It focused only on stations' listings which did not meet its authors' subjective criteria of acceptable programming. It chose to ignore the fact that little if any new programming has been cre-

ated or was available to stations during that time period, and it discounted the judgment of the FCC, the Agency which has been discharged with the duty of evaluating and enforcing the Act. It also disregarded the necessary ambiguity of the statute, which for constitutional reasons must remain discretionary.

As further evidence that broadcasters take seriously their new requirements under the Act, NAB has actively worked with hundreds of TV broadcasters to assist them in understanding the new law and its impact.

For the past 2 years, NAB has hosted a Children's Television Workshop, where station general managers and program executives can learn how the law works and how to meet the requirements. In addition, this subject is included annually in the conference program at the annual NAB Convention in Las Vegas.

Additionally, NAB has produced materials to assist stations with their children's television activities. Counsel memos and a "Service to Children Television Idea Book" have been created and sent to all NAB members to fully inform them about their obligations and how to fulfill them. A copy of that book is attached to this testimony, listing over 100 examples of how various stations already are meeting the Act's requirements.

Finally, NAB daily fields calls from members across the Nation, inquiring as to the many specifics of how the rules apply to real world situations. They want to know how to interpret the law properly.

Any accusation that television broadcasters are not aware or not serious about the Children's Television Act could not be further from the truth.

On March 2, 1993, the FCC issued a Notice of Inquiry regarding the Children's Television Act. In its notice, the Commission says it seeks comment on how the new law is working and what revisions might be helpful "to more clearly identify the levels and types of programming needed in the long term to serve the educational and informational needs of children."

The Commission's notice also includes the fact that a majority of the 320 license renewal applications received since the Act "demonstrated adequate efforts to meet the programming needs of children." The notice also indicates that the Commission "acknowledges the possibility that program suppliers may not yet have made available significant amounts of standard-length programming expressly directed to the educational and informational needs of children," since the law is so new.

Mr. Chairman, any time an industry is asked to adapt itself to a new set of rules, there is always a transition period where those who must live by the new rules need the opportunity to adjust their operations. We are in the midst of that period right now.

But we remain convinced that the quantity and quality of children's programming will continue to grow in the coming years. As the program production community looks at the growing need for educational and informational programs, we hope the supply of such programs will increase. Similarly, local stations will find new and more ways in which to meet the requirements of the new law, both through their on-air and off-air activities.

Public broadcasting—with its different funding mechanism and its ability to program without regard for the number of viewers of particular programs—has done a wonderful job of providing children's programming. Sesame Street, Mr. Rogers' Neighborhood, and other shows all deserve our commendations—but those shows did not emerge overnight, either.

Remember that the Children's Television Act was not passed into law so that every TV station in the country would offer exactly the same kinds of programming. Individual stations are given the leeway to decide in what manner they will meet their obligations. In a free society, that is how it should be.

If the purpose of this hearing is to conduct needed oversight on the implementation of the Children's Television Act, a full and complete review of the children's television marketplace is clearly in order. Has this act spurred additional programming choices for younger viewers? Is there still a wide diversity of programming choices available in videocassette, from cable programming sources, commercial and public broadcast networks and local origination programming? What are the plans of the FCC in enforcing the requirements of the act and what is their experience based upon the initial round of renewal applications? These are some of the questions that need to be addressed.

However, if the purpose is to provide certain self-appointed critics and commentators on children's television yet another opportunity or pulpit to preach to the broadcast industry, the public and the subcommittee may have missed a valuable opportunity. It is disappointing to note the lack of representation by the Federal Communications Commission which must enforce the Act, and virtually no presence by those who are involved in the development and marketing of children's television programming.

Over the years, broadcasters have repeatedly told the subcommittee that there is a wealth of children's programming available from a variety of sources. Together with other interested parties, we developed a proposal that would add to the availability of programming for children. No one said it would happen right away and to suggest that it would reveals a lack of knowledge concerning program development and distribution.

Mr. MARKEY. Thank you.

Our next witness, Shari Lewis, is a living television legend who has influenced tens of millions of children positively over three decades.

We are honored to have you before us today. Whenever you feel comfortable, please begin.

STATEMENT OF SHARI LEWIS AND LAMB CHOP

Ms. LEWIS. Thank you very much.

Mr. Chairman, first of all, I want to say that I think television is a fabulous tool, both for education and entertainment. However, in the field of children's programming, we have allowed it to be used very badly.

TV itself is not the smoking gun. It is the use and the abuse of the medium, the neglect of its potential, that we are all here to talk about today.

The people in the broadcast industry, people like Mr. LaCamera, are my friends. They are the people I work and play with. They are intelligent, they are often parents, they are essentially fair-minded.

But as Mr. Spectorsky says, they are caught in the crunch of the economics that dominate our industry. They are in business to make money for their stockholders, to whom they must answer. And what they have for sale is the consciousness of the children who watch.

The more children who watch, the more they have to sell. The larger the audience they get, the richer they get. And the equation is enough to distort anyone's judgment. And do I believe it has.

In the competitive atmosphere of children's commercial television, the size and the makeup of the audience is essentially the only criterion for success, and given this fact, it is essential that the government has other criteria than audience size and profitability, and that the government's criteria be as important to the broadcasters' as the stockholders' criteria.

We are all stockholders in the future of our children. Bad television drives down the value of our stock. Our kids cannot be up for sale to the highest bidder if we want our kids to have minds of their own when they grow up.

Mr. LaCamera speaks of enlightened self interest. I do believe, sir, that Boston is unusual. Perhaps it has been the lifelong presence of Peggy Charren. I don't know.

Mr. LACAMERA. Couldn't have done it without her.

Ms. LEWIS. But I also believe broadcasters do need help. I have been in the industry all of my life, since I was a very little girl.

To excuse the lack of quality of kids' shows on the air, broadcasters always claimed nobody watches the quality shows. It is not true and not logical.

One could as easily say a symphony does not attract the same crowds as ball games, so let's do away with symphonies, or that kids would rather play than study, so let's only have recess.

What we have to have is broadcasting standards in which a show would not have to attract the absolute maximum number of people between the ages of 2 and 14 to be considered a success. We live in a country with a wide range of audience interests. Broadcasters are supposed to cast broadly, serving the minority and the majority interests. We need to think of children as a special audience. Special viewers need to have specifically-designed programs to meet their needs at various age levels, at various levels of experience.

Through the decades, the broadcast industry has claimed they can't make money with quality stuff. Well, this simply isn't true.

Last year, PBS had a children's initiative in which they produced a number of new programs. Every one of the new programs on the children's initiative have been an enormous success. Huge ratings, wonderful viewer loyalty, and most important, the success can be measured by their intention to inform and support the growth of the viewers.

And by the way, the quality home videos and books that have been spun off these new PBS winners, are topping the best-seller lists, both in the video and the home—the home video and the book industry. There is a viable, vigorous market for quality entertainment.

Dollars invested in good kids' shows can be recouped. PBS programs good kids shows in the appropriate slot, and draws substantial audiences, often with a very wide demographic.

I must tell you, I was doing an early morning call in show the other day, and the first caller said, my child is 12 years old and watches your show every day. The second said, I am 12 years old and I watch your show every day. The third said, my 12 month old watches every day.

The interviewer says, how can a 12 year old who watches "Lethal Weapon" watch a show designed for a third grader? Whereupon the parent said, why not? I am in jail, and here everybody watches everything.

That is what a good show should do. It should not turn off any aspect of the audience. The FCC and Congress are sometimes asked disingenuously, after all, how do you define good children's programming?

Who is to say what is good and not good? There really isn't major confusion on this subject. What is or isn't good is usually self-evident to any Congressman, any broadcaster. Most any parent in the street will tell you what is good stuff and what is junk.

Mr. Spectorsky says that it is difficult to produce quality entertainment. Of course it is. But it cannot take 2 years. May I tell you, sir, that PBS commissioned their Children's Initiative in May. In September, we were all in front of the camera.

A creative staff rises to the occasion, with joy and with exuberance, and with a lifelong frustration, and with ideas that they have been collecting forever; so that the 2 years is really a little bit unthinkable. I think what is being judged, Mr. LaCamera, it is not premature to judge the performance of the broadcasters, when you consider that what is really being judged is the performance of 40 years of television, and what has been produced.

I think we have to have a committee, a committee of individuals and organizations who have been working in this area all of their

lives, people like the PTA, this committee, would help define what is quality children's television.

Peggy says there is a need for a time definition. I think there is also a need for expertise in defining and helping the broadcasters to understand what is desired at the moment in time.

You know, an analogy occurs to me. A couple of years ago the people in government, in the school lunch program, were trying to tell us that ketchup was a vegetable. I was so offended, those people should not have been in charge of our children's nutrition. Well, the broadcasters who don't demonstrate their concern for what feeds the minds of our children should not be controlling the airtime devoted to their children's television watching.

Some people tell you that parents don't care. I am here to tell you they care, and they rejoice when they are confronted with something that fills the needs of their children.

On an escalator in Atlanta, this lady comes up to me and says, I want to thank all of you at PBS for helping to keep our kids kids for just a little while longer. PBS is working with great energy, devoting one-third of their programming time to producing shows that are thoroughly innocent, totally wholesome, and at the same time stimulating and vigorous.

Since the Children's Television Act was passed, some broadcasters have claimed that everything educates. What has been mentioned, when broadcasters claim that "GI Joe" is enriching, they do not do so with a straight face. However, for decades, they have been pulling the wool over nobody's eyes and getting away way with it.

Well, they are right. Everything teaches. The question is, what is it educating our children to do?

A good gang, as in "Ninja Turtles," attacking a bad gang is still two gangs fighting. A violent super hero who steps forward at the end of the show to make nice and to say some pro-social things is still somebody who is solving problems with his fists. One minute of pro-social preaching does not undo a half hour of violent teaching.

I am hoping for more diversity. I am not for banning anything. You know, Peggy, it occurred to me in the taxi over here, a number of years ago Norman Lear with a straight face came on TV and said, I think we ought to do one evening, 3 hours of broadcasting on one evening a week, where every station has to produce genuinely quality stuff, and let's raise the quality tastes of our adults. Well, we have to do it for our children as well by giving them options.

Children should have a smorgasbord, not just in Boston, not just in Cleveland. I travel the country, I can tell you that what you are describing, which is wonderful, I know some of the ABC programming is wonderful, it is not universal.

I assure you of that, gentlemen. Cartoons and live performances is what we should have. Adventure and the arts; entertainment and education. It is challenging to create entertaining TV for kids that educates and informs.

By the way, do I not agree entirely with what you said about it being a clear demarcation between education and entertainment. Children learn best through play. And I believe you have to find

a way always to make it entertaining for the children, thoroughly entertaining, or they will use the dial. I do believe that has to be a focus.

But the commitment to accept the challenge, the very real challenge, should be at the heart of the industry and the basis for broadcast renewal. If all broadcasters were regulated so they had to provide good stuff equally, perhaps there would be a race for quality, just as there now is a race for market share.

If each broadcaster had to provide a minimum amount of educational, informational stuff, stations would boast of what they were doing for the community's children as they now boast of ratings. And advertisers would be very pleased to be seen as servicing the community.

It comes down to responsibility. I have deep convictions, and I know that there is in the human spirit hate and violence and other dark emotions. It is right that we should acknowledge them on TV in responsible ways.

We should also acknowledge that in every human spirit there is the desire to learn and laugh and do good and help other people.

I wanted to end here. Unfortunately, Lamb Chop has insisted on being heard today. This was not my idea. I do not approve of it. My mother says it is not dignified. However, Lamb Chop insisted. So if you will excuse me, I will get her.

Lamb Chop, come on.

STATEMENT OF LAMB CHOP

Miss LAMB CHOP. Mr. Chairman, I would like to know, am I on my own time, or do I get only part of Shari's?

Mr. MARKEY. You get your own time, Lamb Chop.

Miss LAMB CHOP. Thank you, sir.

Mr. Chairman——

Ms. LEWIS. What do you have on your mind?

Miss LAMB CHOP. It is not what is on my mind, it is what is in my heart.

Ms. LEWIS. All right.

What do you have to say?

Miss LAMB CHOP. I want to say——

Ms. LEWIS. All right. Go ahead. Speak from your little lamb heart.

Miss LAMB CHOP. I can't do it with you sitting there. Go away.

Ms. LEWIS. No, darling, I can't go away. If I am not here, you can't talk at all. Talk.

Miss LAMB CHOP. All right, but if you want to interrupt, lift your hand. Your left hand.

Mr. Chairman, I have been entertaining children for 35 years, which is a long time in the life of a 6 year old.

I would like to say that we really need your help and your care and your concern, and we need the best that you grown-ups have to offer. And if you give it to us, we will give the good stuff back. Not only to you, but to our own children as well.

Ms. LEWIS. Lamb Chop, I couldn't have said that better myself.

Miss LAMB CHOP. I know.

Ms. LEWIS. Say good-bye, Lamb Chop.

Miss LAMB CHOP. Good-bye, Lamb Chop.

Ms. LEWIS. Good-bye, everybody.
Thank you.
Mr. MARKEY. Thank you so much.
Ms. CHARREN. I would like to add that——
Mr. MARKEY. Wait. We are not finished yet.
Unfortunately, for Dr. Wynder, he is last.
Ms. CHARREN. I just want to say that the best thing I did for this hearing was talk Shari into postponing her taping.
Mr. MARKEY. Our final witness, Dr. Ernst Wynder, is the President of the American Health Foundation.
We welcome you, Dr. Wynder.

STATEMENT OF ERNST L. WYNDER

Mr. WYNDER. Mr. Chairman, members of the committee, I am pleased to be part of this hearing.
I am speaking as a physician interested in public health. Today as we sit here, plans are on America's drawing board to create millions more citizens who are unhealthy, uneducated, and unproductive. We need to recognize that the major cause of our spiraling health care expenditures results from neglect in life-styles that have resulted from childhood training.
It begins with a failure to take measures to prevent childhood diseases, such as immunization, and goes on to promoting of unhealthy life-styles, such as faulty nutrition, unsafe and promiscuous sexual practices. My foundation has evaluated the needs of our children in this report, and I am sorry to say that we couldn't do better than give it a grade of "C" minus.
Assigning blame, as President Clinton has pointed out, is a fruitless exercise. How can we raise healthy youngsters, and stop wasting money on damage already done? The answer is here in this room. Commercial television, more than the parent or peers, more than the school or health professionals, has the power to shape young attitudes towards body and mind.
Television can be the medicine to cure many ills, but only, I stress, only if the dose is sufficient in terms of quality, duration and intensity. The question can be asked, can the facts about health be made entertaining and visual for today's youngsters? Our foundation has gone into schools and demonstrated that it can be done through informational and educational material, such as we have in this booklet that brings to the attention of children a "Green Team," and its leader is called Darwin, and Darwin is looking forward to having a date with Lamb Chop.
Our program, "Know Your Body," is a comprehensive school health promotion program. Notice the word is "promotion." It consists of a skill-based health education curriculum, kindergarten through 6, biomedical screening, and program evaluation. It should start in preschool and should become an integral part of the Head Start program.
It should be led by a health education teacher that has the same spirit as Vince Lombardy, and the day may come when the National Health Service may apply such teachers to this program. These teachers should follow what Confucius said many centuries ago. "Tell me, I forget. Show me, I remember. Involve me, and I understand."

The "Know Your Body" program is one of the most vigorously-evaluated school health education programs available. And scientific evaluation of this program has demonstrated that students who undergo such a program show a significant improvement in health-related knowledge, attitude and behavior.

We have, therefore, demonstrated that children can be reached, but no medium has a greater reach than commercial television. Imagine if this type of material were regularly on television screens, brought to life by the talented men and women who create television. Together we could socially immunize children against disease-causing behavior so they become healthy and productive adults.

Let me give a specific proposal. And this may come as a surprise to you, but in 1928 President Calvin Coolidge—I am sure his name hasn't been used too often in the halls of Congress recently—and the Congress proclaimed a National Child Health Day to reflect on the health of our youth and ways to improve it. The American Health Foundation is planning to help make the first such day under President Clinton, one with lasting impact.

As we focus on this day, the first Monday in October, let the television industry use its vast power to create a day of programming to enhance the health of our children. Let us make Child Health Day like Earth Day, when we swore to safeguard the future of our planet for our children. Let us see how television can make this theme a year-long affair.

And let me conclude with this thought. It is my favorite motto; that medicine can help us die young as late in life as possible. Such a goal is medically feasible. It is economically, let me stress, economically and morally imperative. What we learn and what we do about health as children will determine our youthful longevity in the future, and indeed will affect our long-term health care costs.

In this crusade, television can and must play a predominant role. As health professionals, we look forward to working with the television industry to make this goal a reality. The children of our Nation and, indeed, children throughout the world look to us for action. We cannot, we must not fail them.

Mr. MARKEY. Thank you, Dr. Wynder, very much.

And we thank each our witnesses.

Their opening statements have been outstanding, and we now turn to questions from the subcommittee members.

Let me begin by asking the broadcasters this fundamental question. The point that is made by the broadcasters is that educational and informational television, made as entertaining as possible, just doesn't sell over commercial airwaves.

The question I have to the broadcasters is, what kind of ratings would you have to get in order to have a children's programming decision be made positively in terms of airing in a local market?

Mr. Spectorsky.

Mr. SPECTORSKY. The specific you ask for is difficult, but if the entertainment programs we now air is doing a "5" rating, and the competition's commercial children's program is doing a "5" rating, I need to do a "5" rating, because if I do a "3" rating, they will probably go up to a "7" rating.

But your overall question is very interesting, because I will tell you what, if you supply me "Sesame Street" off of PBS, and you let me put that on my station, I will get you bigger numbers than it ever gets on PBS.

Mr. MARKEY. The question I ask is, why doesn't someone in the private sector just produce "Sesame Street" and get very, very rich?

Mr. SPECTORSKY. The point that I was trying to make is that takes time.

Mr. MARKEY. They have had this market for the last 40 years. Why would it take "Sesame Street" to identify it as a market that needs to be——

Mr. SPECTORSKY. Jim Henson did it. He did it with the "Muppets". That was a commercial success. Unfortunately, he is not with us any longer.

Mr. WYDEN. Will the gentleman yield on that?

I appreciate his courtesy.

I am puzzled. My understanding is that the terrific show that was done on ABC, with President Clinton and Peter Jennings, was put together in 2 weeks. How can it always be the refrain that the programming takes so long when shows like this, and we heard from Ms. Lewis, are produced very quickly?

Mr. SPECTORSKY. Paul is an ABC affiliate.

Mr. LACAMERA. The resources of the network, representative, as you can imagine, are vastly different than those of local television stations or even the syndicated marketplace, for that matter.

This was a plan that came out of their news operation, which is perhaps the largest and most distinguished broadcast news operation in the world. They had the resources to turn something like that around very quickly.

We are talking here about ongoing regular program that has a dimension beyond a group of children talking to an individual, albeit the President of the United States.

These types of programs that incorporate educational informational elements plus the high tech of 1990's television take a lot of time to create, develop, secure national sponsors for and place on television stations. They are very different animals, Mr. Chairman.

Mr. WYDEN. Mr. Chairman, I appreciate your yielding to me.

I guess my point, is Mr. LaCamera, to me it is a question of priorities. There was a priority. You had the news department and property news people and others teaming up because it was considered a national priority.

What I haven't seen from the broadcasters is that kids are a national priority. When they want them to be a national priority, as in this case of the very excellent program on ABC, it got put together. This is a matter of will.

I thank you, Mr. Chairman.

Mr. LACAMERA. It is a matter of will, sir. And again, I remain quite comfortable in sharing with you and your colleagues that we in local television have embraced the spirit of this law and what our obligations are.

I make no defense that we are fulfilling in ideal ways yet the letter of that law. But again, I have every confidence that we in the process of doing that.

This is an evolutionary activity. And 1 or 2 years from now, there would be no reason ever to have an oversight hearing like this.

Mr. MARKEY. Our questions are raised because right now, the Nielsen ratings for "Teenage Mutant Ninja Turtles" are 4.4, and that is basically a show that is cleared across the country in syndication. "Barney" on PBS draws a 4.3 rating across the country, cleared for national broadcast.

Among the preschoolers, the numbers are above an eight rating for both of those shows. And it seems to us up here that the broadcasters have a problem. CBS is happy to air basketball on Saturday afternoon with an average rating of 2.6.

They can buy that programming and put it on in relatively short notice, and is there is an audience somehow or other, for 2.6, I guess for white males to watch that program, but at 4.3, 4.4, in the morning, for children, there doesn't seem to be enough of an incentive for the broadcasters to go out and to find the programming.

Moreover, the NAB has an annual awards program, where 200 regularly-scheduled programs submit their programs for competition, and they give each other awards for how wonderful these shows are.

The question we have is, with 200 of these shows competing, why can't they clear syndication nationwide? Do we have to wait until there is 300 of them or 400 of them?

Why can't broadcasters today not find the 3, 4, 5, 6 best shows out of those 200 that they are giving themselves awards for and clear them nationwide so that they are running?

Because to a very large extent, we believe that the promise is just no different than we heard in the 1980's, which is that manana, manana, it will come, it will come, and we don't even need the act; by the way, we don't even need the Children's Television Act because we will do it because there is a market out there.

That is our problem. We do not believe the broadcasters in large part are dedicated to finding the best programs and putting them on right now.

Mr. LACAMERA. Mr. Chairman, and again, I respectfully disagree with some of your contentions.

You suggest there are programs there that aren't being shared among television stations. In my testimony I cited two that happen to be the case.

Mr. Chester, in his report about various stations and ridiculing what they had put in their public file, and again, if it was my choice, I would not have necessarily taken the approach of those television stations, but in some of the researches I was able to do, I looked at one of those television stations. One of those television stations airs "A Likely Story," a program actually that Peggy Charren had much to do with, as we developed in Boston, and runs it at 10:30 a.m. on a Sunday morning.

But rather than citing something like, that what we saw was extracting from the public file those elements where a broadcaster may have been overzealous in trying to put bulk or weight into their reporting. And this is a danger that a lot of us fall into.

I know that—and again, with all respect to Mr. Chester, he could go into our public file at WCVB in Boston and pull out reports in there that would be wholly unreflective of what is WCVB, and use

those reports to diminish and even distort what is our service to our community.

I think we have to take a broader look at the mix.

Mr. CHESTER. May I comment in response?

Mr. MARKEY. Wait 1 second, Mr. Chester.

Our goal is not to threaten the best broadcasters. If anyone really wanted to try to deliberately distort the record of WCVB, they could try to, but in the end they would be unsuccessful.

My question to you, Mr. LaCamera, and to you, Mr. Spectorsky, what do we do for children who live in the viewing area of the 10 worst broadcasters in America? What should we do to ensure that those tens of millions of children are given the same quality of broadcasting that you in Cleveland and Boston provide for them?

Mr. LACAMERA. We would expect them to embrace this law and their obligations in the same way that the 90 percent have and will continue to do. And if they fail at that, their ultimate judgment will occur at their license renewal in front of the Federal community indications committee, where we believe it best rests.

Mr. MARKEY. So in the end you believe that their licenses should be threatened if they do not meet a standard that has satisfactorily served the educational and informational needs of the children?

Mr. LACAMERA. Part of the consideration of their overall license renewal, yes.

Mr. SPECTORSKY. I agree with that.

Mr. MARKEY. So I think license time, the Grim Reaper should begin to arrive at some of those stations?

Mr. SPECTORSKY. And I think you are mistaken, when you say broadcasters don't take this seriously. I really do.

Mr. MARKEY. I think the broadcasters should understand, I will just say this in conclusion, that 2 weeks ago in a hearing dealing with the reallocation of 200 megahertz of spectrum, which is going to be invaluable for broadcasters in moving to an HDTV era and other issues related to the quality of broadcast, they testified once again before us that they should not be charged any fees for that spectrum because they serve the public interest.

The question the public has, as we consider whether or not we should charge the broadcasters, asks are we getting a good deal back from the broadcasters in return for the privileges which we give them, including must-carry protection in the Cable Act which we passed last year, exemption from fees for the spectrum. And as an ongoing discussion on this committee we are going to elevate it and look at children's television, as the payback which this Congress and the FCC will expect from the broadcasters in the country.

My time is expired.

Let me turn and recognize the gentleman from Texas, Mr. Fields.

Mr. FIELDS. Thank you, Mr. Chairman.

To me it is clear in listening to you and some of the other statements that have been made, that this hearing today is a bully pulpit, so to speak to, send a message to create focus as to what was the true intent of the act that was passed last year.

My view is, in viewing the broadcasters in Houston, Texas, that for the most part, broadcasters are good corporate citizens. They want to do the right thing.

I am willing to believe and give the benefit of the doubt that there is some uncertainty. But I hope no one doubts what the message is coming from both sides of the aisle, how important this issue is to all of us, not only as Members of Congress but also those of us who are fathers.

I have to say listening to all the testimony, to me there have been some questions raised about program availability. If Lamb Chop were here, I would ask Lamb Chop, and since Lamb Chop is not here I will ask you, Ms. Lewis, exactly what is the depth of the creative community for children's programming? That is one of the central questions here.

Ms. LEWIS. With apologies, it is not an issue. There are artists in the theatrical industry who in every area can produce quickly a magnificent product. They have been looking to do so all of their lives and never had the opportunity. The backlog, what is in the trunk of the fine performers in America is enormous. PBS taps into that all of the time.

Mr. FIELDS. Would you give me——

Ms. LEWIS. I will give you specific examples.

Mr. FIELDS. The Chair mentioned that there are things already there.

Ms. LEWIS. You know, there are, Jacques D'Amboise produces "Vigorous Dance" which has never had an opportunity to surface on children's television. Dance is as vigorous as any athletics. Just for example, programs could be produced—and the law did create the National Endowment for Children's Educational Television, which I hope Congress will continue to support, because it is one of the sources of the stimulation of quality children's programming.

I think we have to encourage every source. If the—do you know how my show got on PBS?

Let me tell you a story, because it is absolutely relevant.

Jennifer Lawson, the head of PBS, and she said, I want you guys to produce the very best you can of Hollywood tradition and standards for PBS, for the children and the adult area. I took her at her word, called her up, got right through, went in for a meeting and she bought the show.

Now, PBS is interested in raising—this is a golden age for PBS, because they have reached out into the community. But the children's area does not reach out into the community. They reach out to the same animators to do the same shows, again and again. There is no diversity.

Not all the shows are bad. You are not going to get me to say all the shows are bad. Some of them are nice. They are all alike. And some of them are terrible and so many are fine. But they are all alike.

How about some diversity? How about some musical comedy for children?

How about some situation comedy for children?

All of that can be produced. Do you not think that Norman Lear, were he approached by a network and asked to produce the definitive hot children's sitcom, wouldn't say, whoopee, and produce the best thing you ever saw on children's TV? He would. And so would anybody in the Hollywood community.

We care. We are all parents, and we are all educated in our own art form, very educated.

When you are educated in an art form, you want to produce at the highest level. Unfortunately, the industry has not called upon that level. Cha-cha-cha.

Mr. FIELDS. You mentioned in your testimony some things that were already there, Ms. Charren. Are they the same things Ms. Lewis is talking about, or are there more examples?

Ms. CHARREN. There are more examples. WCVB in Boston has produced some of the best of them. When they got their license, WCVB—I see the chairman smiling—they promised such service to children as part of that license, asking for the license, that the powers that be thought they were blue-skying the process. They said they were going to do a daily program for children, and they said, who can do a daily program for children and not go bankrupt?

They did "Jabberwocky," which is still in syndication. That program hasn't been produced for years. It is still in syndication. That is one of the ones that Paul mentioned.

The fact is they did what they said they were going to do. And year after year, they were the best station in America, and part of what they were doing was programming for children.

I have a nifty relationship with the programmers in Boston. WHDH, the CBS affiliate, did a daily show for 2 years called "Ready to Go" which was an incredible commitment. I don't expect that kind of thing from every broadcaster in America. And it went offer the air, but the station was having problems, not just because it was serving children.

The general manager of WTTG in Washington, D.C., when this law first went into effect, Tom Herwitz, said, boy, now I can do something right, and he did, not just news, which was a breathtaking news variety show for children. He said out loud, it is because of the law that I can make this and it is because of the law that it can succeed in the syndication market.

The problem with ratings, the problem with ratings as a way of determining whether it is working is that the 2 to 12 or 6 to 15 year old audience is the most diverse in human development. And you get 20, 30, 40, 50 and 60 year olds watching "Cheers" and "Murphy Brown," but if you want to talk about Martin Luther King to children, if—think about a picture book. The "I Can Read" audience gets another kind of story about Martin Luther King, right up through teenagers, real history, biography. And the marketplace is a failure for education programs for children. That is why we needed the law in the first place.

The reason it is a failure is not because the broadcasters aren't nice. It is because children are so different. And that diversity that Shari talks about is the middle name of serving children.

Mr. FIELDS. Let me ask you, Mr. LaCamera, obviously you are a shining example.

Mr. LACAMERA. But one, sir.

Mr. FIELDS. You talked a moment ago about some of the programs that you developed and that you have been able to syndicate, is there potential for profitability and programming that you generate and then syndicate?

Ms. Lewis talked earlier about all the products that spin off, and I can say as a father, no offense, but we have every "Barney" toy imaginable, every night that I am in DC, I'm singing the "I Love You Song" back to Houston, Texas. My little girl crawls in bed with my wife and every night she has a "Barney" dinosaur who wakes up in the bed with us.

My daughter at 3 years old began counting in Yiddish. We didn't know where she had picked it up until we looked at one of the "Barney" tapes, and she had picked it up off one of the tapes.

So to me it sends a message that there is great retention. And certainly that has been a very profitable syndication. And I was just wondering, is there that potential for stations like yours?

Mr. LACAMERA. It varies enormously, sir. It does. I think you can cite examples on both ends of the spectrum, programs that are gone, which have an afterlife, whether that is syndication, whether that is cable usage after they appear on local television, or videos, and others that are done with the highest intentions in mind of serving the audience that Peggy speaks of so eloquently.

I can't give you an exact answer on that. We have had at our station both experiences. Our parent company, Hearst Broadcasting, has had both experiences, and I know in my work across the country in advancing local programming, that they have had both experiences.

Your home State is Texas. Below Broadcasting has had wonderful success in taking some of its locally-originated programming and sharing that nationally, which helps you underwrite the project, in turn, bringing greater resources into, it, in turn, allowing to you incorporate the educational and informational components of it with a production value that can interest and intrigue and hold children, young viewers.

Mr. FIELDS. Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

I recognize the gentleman from Oregon, Mr. Wyden.

Mr. WYDEN. Thank you, Mr. Chairman.

Mr. LaCamera, it is a little bit awkward asking these questions of you because your record is so outstanding, but we really do need to get the position of the broadcasters on some of these issues. One I want to start with is this matter of so many of the shows for the kids, the better programs being on at 5:30, 6 a.m. in the morning across the country.

If stations are carrying educational programs at these kinds of hours, when it is not likely that we are going to have very many kids seeing them, isn't this a kind of self-fulfilling prophecy where the ratings are always going to be bad because the shows are only on at those hours when it is almost inevitable that kids aren't going to be watching?

Mr. LACAMERA. It would be presumptuous of me to schedule anybody else's television station, but I am generally in agreement with what you are saying. Reaching preschoolers, which seems to be a matter of shared concern in this room, those types of programs can work earlier in the day.

As the day progresses, older children, we have found, come into the set and start taking control of the set. At least from our experience and from that of our colleagues in Hearst Broadcasting or our

sister stations and our competitors in Boston, more comfortable with programming, regardless of the age of its intended audience, appearing somewhere between the 6 a.m. and 8 a.m. period.

Mr. WYDEN. So if we say as a matter of public policy, that only those programs would be counted when they are on at reasonable hours; you would generally support that?

Mr. LACAMERA. Well, philosophically I would. On the other hand, we may now be intruding into crossing that fine line between having local broadcasters making the best decisions in their communities as far as what are the total service obligations to all their audiences and the government telling us what to program and when to program it. I think we are most uncomfortable with the latter.

Mr. WYDEN. You going to support that if it is required? You said philosophically you would be for it.

Mr. LACAMERA. No, I would not support it.

Mr. WYDEN. You would not support that. It seems to me, Ms. Charren, of course, is advocating that we only count reasonable periods of time, and if we continue this kind of process, where you only have shows on at kind of ludicrous times, and then we say nobody is watching them, and then we are going to use that as a justification for not having further programming, I just see this as a self-fulfilling prophecy designed to keep us from ever getting to the point where you all in Boston have with your high standards.

Mr. LACAMERA. Again, I think you need to look at the total mix of a television station. If their sole area of service to children is in extreme or absurd times, as you describe it, and that is all they do, that raises the proverbial red flag and the commission needs to be concerned about that.

But again, the position is that the decision best rests with the broadcasters. If they don't exercise that decision, fulfilling the obligations that they have, first of all, under the licenses under which we operate, and second, now under the precepts of this law, then the ultimate judgment should occur at the Federal Communications Commission.

Mr. WYDEN. If you would, I would like to be able to compare the situation with public broadcasting for a moment.

Mr. LACAMERA. I would welcome that.

Mr. WYDEN. My understanding is in the last year and a half or so, we have seen a number of these quality shows come out on public broadcasting. "Barney," "Ghost Writer," I am not sure how old Lamb Chop is——

Ms. LEWIS. A year and a half.

Mr. WYDEN. So we have got a number of programs getting out of the chute on public broadcasting. They are facing the same national economic problems that you all face in commercial television, in fact a lot of them are drumming up dollars for their own work.

How many of these national programs have we seen commercial television come up with during this time, when public broadcasting, with the same problems, is producing these new shows?

Mr. LACAMERA. Public broadcasting has such a different mission than we do in local television, it is such a different structure, from its financing to its operation. Public broadcasting has a brilliant history and record of serving children. It has done wonderful work

with the sciences in "Nova", brilliant work in history with "The American Experience." It is an importer of high-quality British programming.

We provide an extensive local news service, local public affairs service, community outreach services that you won't find, you would be very hard pressed to find at local public broadcasting outlets in any community.

I would put up the best commercial television station in the market against the best public broadcasting station in any market, and measure its community service specific to that market. It is a very different animal.

Mr. WYDEN. But the question is, nationally, public broadcasting is generating these new shows that are seen across the country.

How about commercial television? What have they generated in the last year and a half?

I can't find very many, and I want you to tell me, maybe I am missing something.

Mr. LACAMERA. A couple of us cited "Beekman's World" from Columbia Television, which is a very high-production program that deals with science and discovery.

This now airs in more than 200 television stations across the country and enjoys ratings as high as the chairman cited for some other programs, if not higher. "Zoo Life Magazine" is another program that has emerged over the last 18 months that is again airing on some 200 television stations across the country.

I was invited to appear here last Friday and was in a state of anxiety over the weekend and came to work on Monday, and in my mail from syndicators, I received an announcement of two new syndicated programs. One is a weekly program on ethnic diversity, ethnic and racial diversity. The other, a program on the environment.

There are current examples. "Beekman's World" and "Zoo Life" being two examples out in the marketplace right now, prospering on more than 100 television stations, and there are many more in the pipeline coming along.

It is a different measure and a different world. I don't know if they will ever have the kind of impact that some of the programs you cite on public broadcasting do enjoy.

At the same time, at least the initial record of these programs is one of wide acceptance both by television stations and by young audiences.

Mr. WYDEN. I have only one other question, just let me note for the TV section here in D.C., on March 13th, "Zoo Life" did get a half an hour from 11 to 11:30. "Barney and Friends" got 4 hours on Saturday.

My last question for you, if I might, is, I am getting ready to reintroduce the "Ready to Learn" legislation. It is modeled on the work of Dr. Boyer of the Carnegie Foundation for the Advancement of Teaching. And we are going to have for our legislation again the radical proposition that broadcast stations should have to offer at least 1 hour a week, 1 hour a week of quality preschool programming as a precondition of getting a license. That is a concrete commitment.

One hour a week for every broadcast station in America as a precondition to getting a license; is that something NAB will support?

Mr. LACAMERA. I cannot speak on behalf of NAB, sir.

Mr. WYDEN. Would you support that?

Mr. LACAMERA. I regret that it crosses that magic line for me.

Mr. WYDEN. One hour a week is too much?

Mr. LACAMERA. I am not saying that. It crosses the line of, again, the Federal Government telling us what is best to program and when.

There are many stations that may decide in abiding by this law that it is best they serve an older children's audience, and that is occurring. There are those of us who are very intently interested in serving preschool audiences.

There are others who, according to their measure of the need and interests of their community, may serve older children. Those are the traditional responsibilities that—decisionmaking responsibilities we have in broadcasting, and we remain comfortable with them.

Mr. WYDEN. My time has expired, Mr. Chairman. But I would only say, Mr. LaCamera, I think it is very unfortunate if NAB doesn't support something as modest as that. And it seems to me that if NAB doesn't, people like yourself, who are far in excess of those kinds of requirements, your stature will be diminished because we will have so many across this country, in markets all across the country, who lag behind, and I think everyone in television will suffer as a result.

Mr. LACAMERA. Thank you, sir.

Mr. MARKEY. The gentleman's time has expired.

The gentlelady from Pennsylvania.

Ms. MARGOLIES-MEZVINSKY. Thank you, Mr. Chairman.

I am really looking for help for parents. I have had little kids for a lot of years, over the last 20 years, and when I think back on what I say when I walk into their watching television, it is usually, are you really going to watch this junk? And the words come out of my mouth, and I hear it from my husband.

It was just the other night when he insisted that the children turn off the tube because they were watching something that was awful.

It is a problem. And yet, on the other hand, we don't want—I mean, I feel very strongly that I don't want my children to become closet TV freaks. I don't want children who have been told that they can't watch television come over to our house to watch television. I don't want that happening to my kids.

What is your suggestion?

I mean, I know that it is such a broad question, but over the last 20 years, I have not seen the significant change in television that I would like to see for my children. And I don't know where to go except to be either frustrated or turn off the tube, or have them cut out of the conversation, which I referred to in my opening statement.

When children go to school it is important that they know the right terms, that they can feedback the most popular programs, and the programs are sometimes, frankly, either entirely too sug-

gestive, don't move in the right direction, too violent, or just plain junk.

Mr. Chester?

Mr. CHESTER. There are a host of problems associated with children watching television. Clearly, there have to be a variety of things that a parent has to do. Certainly talking to the child about television and trying, perhaps, to impose some limits is one thing. That is why we really need this committee to send a very strong signal to the FCC that they have to strengthen the rules around the Children's Television Act, because the goal all those years, the objective was, let's put on some more alternatives for other children, programs which enrich and inform, so they don't just have to watch PBS, or they don't just have to come from families who are economically advantaged, so they can afford cable television or the premium channels.

These licensees get a very valuable resource, and all in return they have to do is provide some kind of community service. Most of their obligations were wiped away back in the 1980's, when the FCC got rid of a host of rules around public trusteeship obligations.

Now they have to do something around EEO rules, and they have to fulfill the Children's Television Act. Yet they are resisting to comply with the mandate of the law.

We are happy to hear that there is going to be some new programs coming down the pike. We want to work with the broadcasting industry.

But unless the FCC gets tough, we are not going to see the alternatives available for your children.

Ms. CHARREN. I think there is another point that maybe will help the broadcasters focus on this as an opportunity.

Most—I am sorry to say—most people when they talk about the failure of television to help children, or worry about what is on, are willing to censor the medium to protect children. They talk not about what is missing but about what is on that they want to get off.

There are groups all across the country that are focused on getting rid of programs that they see as to sexy or too violent or too commercial or otherwise not appropriate for children.

The people who promulgated this law, the people who supported it, the public interest community, Jeff's group, mine, all were focused on you can turn off what is terrible with the set, and everybody has your problem, from the inner-city parents to parents at private schools, where the parents in the school make the programs that they don't want their kids to watch. But you can turn off what is terrible. You can't turn on what isn't there.

It is it is too much to expect America's parents to get their act together and to not have some way to use television besides public broadcasting. But if the industry doesn't take this opportunity, they are going to have a bigger problem with people who are going to try to really program their stations.

I mean, the industry is lucky to have this very First Amendment sensitive approach, because the other approach I would fight tooth and nail, too. I don't want somebody telling me what I can watch or what my children can watch. This was the alternative to that.

Ms. LEWIS. If I may, Mr. Spectorsky said that if "Sesame Street" were on the commercial channels, you would deliver much higher ratings. One very important reason for there to be a base, a standard, both of time and definition, is that the commercial stations don't support the quality stuff if it doesn't come out of the gun, come out, you know, instantly out of the gate and start running.

"Sesame Street" would not be here, I assure you, I am convinced it wouldn't be here a generation later if it had started on a commercial station, because the first time it took a dip, it would have been eliminated. But if there is a gap to fill that must be filled for quality stuff, then there is a tendency to support through those cyclical things that do happen.

And you, you know, it surprises me, in health care, in education, in job safety, in manufacturing, in food handling, we have standards. Why is there any dispute about standards in this most important area where the images and lessons that are learned affect the social behavior and the consciousness of our children?

There is no aspect of our life, professions are all regulated so that they have to adhere to certain standards. This is a minimal kind of standard, as far as I am concerned.

Mr. WYNDER. Mr. Chairman, if I may make a final comment, as I indicated earlier, I am here as a physician. As some of you may know, we did the first study on smoke and lung cancer in 1959. I am sorry to see that last year 125,000 males died from lung cancer.

We have known for a long time that what we eat and smoking causes the leading cause of death. We need to know that last year we did over 300,000 coronary bypasses. These are all life-style disease that have the beginning in childhood.

I am here not to say something specifically what the broadcasting industry should or should not do. I am here as an American who says what we are doing today is not good enough for this country. And when we talk about national health care cost, the key, let me emphasize, the key is what we learn and do not learn as children, because we and others have known what we smoke as adults has to do with how early we began as children.

Our cholesterol at 2, 3, and 4, determines our cholesterol later life.

So I think here when the President calls to us to kind of revolutionize our health care system, we are talking about how to reduce the deficit. One of the best ways we can do it is by properly educating our children first.

They are ready to learn. They are also ready to learn about health.

I say it is your function as part of this American system to provide the proper health education to all of our children so that we reduce the health care budget and we give our children the chance to grow up as healthy adults, free of drugs, free of excessive smoking, and free of all of other life-style barriers that lead to our diseases today.

If I am somewhat emotional about this, let me tell you, I spent 20 years at Sloan-Kettering Memorial. I have seen too many cancer cases that were preventable, heart disease cases that were preventable.

We need all of new government, including health professionals, including the broadcast industry, including schools to, make a difference. If this particular meeting today served us to get your support in the broadcasting industry, we can see a day when we and our children will die free of what we know to be avoidable diseases.

Mr. MARKEY. And again, Doctor, if I may, if the gentlelady will yield. They are avoidable because we give them to ourselves as a result of our own behavior, which we develop as children, as our patterns of conduct are formed, as we get exposed to drink cultures, smoking cultures, drug cultures, sexually permissive cultures; as a result, most of the new diseases in America today come from those sources, and not the kinds of diseases, tuberculosis, polio, that we used to associate with premature death in the country. That is due, in part, to the fact that we have cured those diseases largely, and now we face the new diseases, those which are behaviorally based and originating in childhood patterns of behavior.

Mr. WYNDER. That is absolutely correct. And we as parents can be a great example to our children, and you folks in the broadcast industry can certainly be models to what children should see, what they should learn. And if they see the right message, the children will follow the right message.

Ms. MARGOLIES-MEZVINSKY. I know that there are lots of responsible broadcasters out there who are trying. However, in the February 27th TV Guide, children's television experts were asked to rate the top 10 shows for three age groups of children. They were judging the best shows from among entertainment and educational shows.

You may have seen the results of those. And the shows for 2 to 6 year olds, only one commercial broadcasting outlet had a show. For 7 to 11 year olds, only 3 of 10 shows were on commercial broadcasts.

I know that you gentlemen are responsible broadcasters. But why?

Mr. LACAMERA. Representative, that panel neglected locally-originated children's programming. They were dealing with national programs.

Again, as we talked about the NAB awards competition this year, 200 entries from 70 stations around the country, within that collection, again, I remain confident that there are examples of highly-creative, highly-produced educational, entertaining children's programming that would merit consideration by that same panel, and that did not occur.

Ms. MARGOLIES-MEZVINSKY. Peggy, you were on the panel. You might want to respond.

Ms. CHARREN. There are local programs that are good, but a lot of the things that get sent into the NAB, for example, are specials. They don't have the mandate of regularly-scheduled in their award program, or if they do, it is just one piece of it. And so I think if you took regularly-scheduled programming that would qualify for core programs, the number is much less than it was in the 1970's, for example, through two Republican and one Democratic administrations, when three FCC's let the industry know they better pull

up their socks when it comes to kid's programming, without a law in place. And there was some wonderful programming developed.

CBS, which had "Captain Kangaroo" on five times a week, hired people from their news department to do a series of cartoons, "What is Congress All About," to do "What is Elections All About," to do a spin off of "60 Minutes." The network could have said, leave us alone, we have "Captain Kangaroo" on 5 days a week. But they hired 20 news people.

Ms. MARGOLIES-MEZVINSKY. Are they still in place?

Ms. CHARREN. Not only are the 20 people missing, but so is the programming. When Reagan appointed Mark Fowler to run the FCC, with his trickle-down theory of communications, the 20 people got fired or reassigned almost in 1 week.

They called me up and said, can't you save my job? They loved doing terrific programming for kids. Joel Heller is still at CBS, he does adult news.

They put "Captain Kangaroo" on at 5 a.m. in the mountain zone, and then said, look, he doesn't get an audience anymore, and so they got rid of him.

There was some wonderful local programming happening when the industry was told they had to serve kids. And when they were told that television is just a toaster with pictures, which is what Mark Fowler said as a meeting, they got rid of it all. There is some stuff which is really nifty, and we heard about it today.

Mr. MARKEY. The gentlelady's time has expired.

Ms. CHARREN. I expired it for her, I am afraid.

Mr. MARKEY. The gentleman from the State of Kansas, Mr. Slattery.

Mr. SLATTERY. Thank you, Mr. Chairman.

First let me commend you, Mr. Chairman, for calling this hearing. I regret I wasn't here earlier to hear all of your testimony.

I had to chair a hearing dealing with mustard gas. So I am delighted to be over here. This is an equally intriguing matter.

Ms. LEWIS. Obviously, relating to "GI Joe."

Mr. SLATTERY. Definitely relating to "GI Joe," Shari. Definitely relating to "GI Joe."

Let me sort of pick up where my colleague from Pennsylvania left off, because she made, I think, a very important statement for broadcasters and network executives, that I hope they may be listening to. That is, I believe there are a growing number of parents in this country who are increasingly alarmed at the kind of choices being forced on them in their living rooms all across this country.

I, for one, have a pretty strict rule in our home. One hour of TV a week. And I would like for that not necessarily to be the case. But I have been driven to that point, in all candor, simply because I have had it with the kind of programming available, prime time in the evening, in living rooms all across this country.

And my friend was probably much more gentle in her observations than I will be. But I think she used the word "trash." And one of the things that really troubles me, I guess, is that television today is a very, very powerful medium. It is maybe too powerful. And the entertainment world in America is enormously powerful in this respect, and that is that television and the entertainment

world has replaced the families as the transmitter of values in our society.

And the television world and the entertainment world may not want to publicly acknowledge the powerful role they play in the shaping of American values today, but I have concluded that they are the principal shaper of American values, for good or for bad. And it is regrettable, indeed sad, that the entertainment world and the television industry don't assume a greater, more positive role and responsibility in this area. It is really sad.

I think you have a great opportunity to really play a positive role in educating our kids. You know, one of the biggest problems we have in this country today is children having children, teenage pregnancy. And you don't have to turn on the television for 20 minutes in the evenings in the living rooms of every home in America, to be tuned into the kind of intimacies, sexual overtones to just about everything on television. And regrettably there aren't enough parents monitoring what their kids are seeing.

But television is shaping attitudes, and has a profound effect on the attitudes of the people of this country.

I just don't think that television is assuming the responsibility that they must, given the powerful role that they are playing. And I am just, you know, I am to the point, and I am one of these people that is reluctant to look to government for regulation.

I like to think that people will assume their responsibility. But the bottom line is this. Money. Money drives the networks. Money drives the broadcast industry in this country.

That is the bottom line. If you can make money, you do it. If you don't make money, if you can't make money, you don't do it.

Now, that isn't necessarily something that we look to you and blame you for. You all are businessmen and women. You have obligations to your shareholders, obligations, moral obligations to make money.

That is why they hire you. I understand that. And we as policymakers representing the country have also a responsibility to try and set the rules of the game in such a way as to incentivize powerful interests like yours to be responsible in the discharge of your duties, too.

And let me just share with you and ask a question. What is so fundamentally wrong with us imposing certain requirements, expectations, on this very powerful shaper of values in this country today?

For example, we have building standards that tell builders all across this country what kind of standards they must adhere to in the construction of buildings.

Thank goodness we had those in place in New York the other day; perhaps that tower could have collapsed completely.

We have minimal-wage laws, environmental laws, laws designed to protect consumers, while at the same time demanding a certain level of performance on the part of sellers of goods and services.

Now, when you establish a standard and require everyone to meet the standard, everyone has to be playing by the same rules of the game, I suppose.

My question is, what is so wrong with us saying to the broadcasters in this country, if you are going to have access to the public

airwaves, you will be required to do 1 hour a week, or 2 hours, or 3 hours a week of programming that is targeted to an audience that is, obviously, being maligned and abused by the trash that they are subject to on television today?

I mean, what is wrong with that?

I would suggest that in the context of those rules, there may be some unique competition developed, very unique competition. Maybe people will then focus on developing programs to fill that 1 hour, or 2 hours, or 3 hours, that will really be quality television time for that audience. Just maybe they will.

But they want to make money. They want an audience during that 1 or 2 or 3 hours.

Tell me what is wrong with that approach?

Mr. LACAMERA. You have raised the most profound and complex of issues, sir, some of which I certainly share your concern about, and others of which I must take exception with, and that is the issue that we act first and foremost as business people. As a local broadcaster, and I can't speak on behalf of the network, but I can speak comfortably as a local broadcaster, we are a hybrid institution. We are a local business, but we are also a vital community resource.

Mr. SLATTERY. Don't apologize as a businessman for being motivated by making money. People in business today, running big television stations, running multi-million dollar networks in this country, have to make money or they are going to get fired. That is the bottom line.

What we have to do is accept that reality and shape rules within which the competition can occur in such a way as to enable the public to be best served. I don't understand why people are so hostile to the idea of a very minor change in the rules that you all play by, and then sort of focus the competition within that 1 or 2 hours of whatever may be required, and say to the people, in effect, within that time period, let's see who can develop the best kind of programming for children. And maybe you will have the biggest audience, and maybe you will make the most money during that 1 hour.

Mr. LACAMERA. We are certainly not proud of everything that appears on our television stations, whether it is programming for which we are responsible for acquiring or producing, or which is shared with us by our national networks.

On the other hand, we would never accept your dismissing it all as trash.

Mr. SLATTERY. I am not dismissing it all as trash. I am just saying there is a lot of trash on television. I think you would agree with me.

Mr. LACAMERA. On the other hand, for the discriminating viewer, or the discriminating parent, there is a wealth of programming on television that has the high pro-social and pro-moral values. I am very proud of that, and proud to be a part of that.

You talk about standards, sir. There are standards under which we operate. There are moral standards which some of us operate under, but more importantly, there are legal, Federal Government standards under which we operate.

We are charged on an ongoing basis to identify community issues and problems and to address those problems and issues in our pro-

gramming, which we do, we record in quarterly filings into our public file, and then we receive the ultimate judgment and that comes at license renewal time. So that exists. That does exist.

Mr. SLATTERY. Let me interrupt you just a second.

It has been a long time since any broadcast station in this country was denied relicensing because of this kind of problem. We just need to set the record straight.

Let's not create the expectation or the impression that there is a real tough relicensing procedure involved with regard to this kind of thing.

Mr. LACAMERA. There are stations today, sir, whose licenses are being withheld and reexamined, in the States of Michigan and Ohio, I believe, because of their failure to perform as well as they, perhaps, should have, or at least they have been judged so under this Children's Television Act. That license is taken enormously seriously by us in local television. It is a precious resource that we would not jeopardize under any circumstances.

Mr. SLATTERY. I appreciate that, and I want to come back to the thrust of my question.

If the chairman would indulge me another second.

If we, in effect, said, all of you that are going to be broadcasters—and one of the things I would like to do is reach out and get the other competitors so that everybody out there on television is coming into the living rooms under same rules. I don't think it is fair to say that the broadcasters get this set of rules, and everybody else, cable, et cetera, are free agents—but it seems to me, we have got to figure out how to set the rules a little differently so that everybody out there has certain obligations, whether it is 1 hour a week, 2 hours a week, whatever it maybe, and then the focus becomes, everybody is playing by the same rules of the game and everybody then has to figure out how to make money in that hour.

It seems to me that would set an interesting stage where the competition between the networks and among major regional broadcasters would become very intense; would it not?

Mr. LACAMERA. It is a fiercely competitive system now, sir. The standards we accept readily. We embrace them, as I discussed here today.

Again, where a dispute arises is over the mandating of the particular content of programming and the time periods of that. Those are First Amendment arguments best left to lawyers rather than to local programmers like myself.

Mr. SLATTERY. Thank you, Mr. Chairman.

Ms. CHARREN. It is my understanding, and perhaps Larry can say if I am wrong, that earlier on, there was a processing guideline that said 5 percent of a broadcaster's programming had to be news and public affairs, and 5 percent had to be local programming. And that was because there was perceived to be a marketplace failure maybe coming up with news and that it was important for a communications system to inform its citizens.

So this is just, you know, we are not even asking for that much, although it certainly is a possibility.

Mr. MARKEY. I would like to ask each of the witnesses to begin to prepare a 1-minute summation for the subcommittee. And I am going to ask a final question. So just be thinking of it.

I will give each of you a minute to leave us with a message that you want us to retain as we continue oversight of the FCC implementation of the children's television regulations.

I will just ask one final question while you are thinking about that. And that is that in "People Magazine," it has been recently noted that "Barney's" videos have sold 2.3 million copies since its creation in 1988. So we took the time to multiply the cost of each video by what Blockbuster Video is selling the video for, which is $14.95, and we quickly learn that already, just in that marketplace, the producers of "Barney" have grossed $30 million in the video marketplace just in the last 4 or 5 years.

Now, with those kinds of revenues out there, again, it makes no sense to this subcommittee or to parents across the country, why it is that there is not a market for producers of this kind of programming.

In today's "Wall Street Journal," there is a story that begins by stating that some enterprising software companies are scoring big by making learning almost as much fun as Nintendo. And what the article goes on to state is that educational software sales will grow to $438 million in 1994, up from $280 this year.

Now, it seems to us that if "Where in the World is Carmen San Diego" can sell over 125,000 units in a year, that something has gone terribly wrong in terms of broadcasters' perception of the market. And let me make this notation as well, because it is made with regard to the military industrial complex, but it is relevant here to this children's television market.

Some people have commented there is an end of history which has occurred in the last 2 years, and it has, with regards to the Cold War, but it also has with regards to our relationship with children's television. The world has changed.

Many broadcasters are going to be subject to the temptation to engage in ancestor worship and hope they can get by in the 1990's with what they got by with in the 1980's. Those broadcasters are going to suffer the consequences, I think, in many instances, of serious challenges to their licenses and loss of their licenses.

Because, as Peggy knows, in 1990, we built in the only specific requirement for relicensing of broadcast stations across this country over the last 50 years, and that requirement states that broadcasters must have served the children's educational and informational needs. The standards are no longer going to be interpreted under the Cold War, Mark Fowler, Reagan-Bush era, FCC standards, for what should be a standard for serving the educational and informational needs, but rather a Clinton-Gore era, which is trying to create a seamless policy for how to deal with issues relating to children in our society.

There is no more powerful influence than 6 hours of broadcasting viewed every day, on average, in every home in the United States. So broadcasters, beware; the new era has begun.

Some will lag behind, and they will, as what happened with many defense firms, be left with no new industries in the future,

because they did not plan for the 1990's. That is going to happen in this era as well, and they should be aware that is the case.

Does the gentleman from Texas wish to make any comments here at the conclusion of the hearing?

Mr. FIELDS. Mr. Chairman, let me just say that I think the hearing has been well focused, and I think the message is bipartisan.

There is great interest on the part of many of us to see more education for our children, and I want to say I wish my friend from Kansas was here, because I agreed with much of what he said.

But I want to make it clear that my position, I don't think we need more mandate. I don't think we need more government interference.

But I think it is important that we send a bipartisan message, that out of a social responsibility there should be this particular focus. I hope the message is not only heard by the people at the table today, but the people in the creative community, not only is there a responsibility, but there is also a real profit. Because you mentioned the "Barney" tapes a moment ago. We have got every "Barney" tape at the Fields' household.

Ms. LEWIS. I am going to have to send you some of mine, that is all there is to it.

Mr. FIELDS. But I have really seen benefit in my little daughter with educational programming. So I speak not only as a Member of Congress representing 575,000 people; I speak as the daddy of Jordan Fields.

And again, I hope the message is clear to everyone.

Mr. MARKEY. I would note that for the first 30 to 35 years of broadcasting, there was a bipartisan consensus on this issue, through the Nixon, Ford, Eisenhower, Johnson, Carter and Kennedy administrations. There really was no disagreement here in Congress or at the FCC, regardless of whoever had the responsibilities on this subject.

It is the 1980's that will be looked back at as the aberration as television became nothing more than a toaster with pictures in the minds of some of the regulators at the FCC.

But broadcasters, beware. The old era has returned, and there will be license challenges based upon this law that we believe is going to help to give added impetus to the change in attitudes towards children's television.

Let's now go to the summary statements of our witnesses.

We will begin with you, Mr. Chester, if you could.

In one minute, if each of you could just summarize your views.

Mr. CHESTER. I know the coalition of parent and educational and medical organizations, which has been working to strengthen the Children's Television Act and maximize its implementation, are gratified to hear of this strong bipartisan signal sent to the broadcasting industry.

We call upon you to continue to send a strong message to the industry and the FCC that we expect to see more programs specifically designed to serve the educational needs of children, without the pressure from this committee and from the FCC; that the lock that the broadcasting industry and the Hollywood studios have over the children's television schedule, which is really one of the

problems why we don't see these programs on the air, will now be broken.

We have to keep this pressure if we are going to see these programs surface.

Thanks.

Mr. MARKEY. Dr. Wynder.

Mr. WYNDER. I came here to tell you that health is my issue, and the television industry can make a very important impact.

I know parents play a role. Schools play a role. But clearly television has the greatest power over all. And in this power, we try to develop in our children the sense of responsibility that healthy habits are better than unhealthy habits. We could have stressed that had children make powerful change agents.

The challenge I have for the broadcasting industry is to come up and help us in commemorating the Child's Health Day on the 1st of October. Another challenge I have to you, why don't you come and join us and some ideas that we have to present programs on television for children related to health that are most educational and entertaining. And let the marketplace be the judge whether these kinds of programs can work and make a profit for you.

I believe under the Clinton administration we have the right kind of environment and the right kind of time to make this happen.

Mr. MARKEY. Thank you, Dr. Wynder.

Mr. Spectorsky?

Mr. SPECTORSKY. A reminder that the act has only been in place a year and a half. It takes time to produce viable programming, either locally or nationally.

You have added the most important ingredient here, and that is the ingredient of demand. The programming will follow.

And please don't shoot all of us for the questionable actions of a few. The FCC does have the ultimate hammer. And they know it and we know it. And I do believe in the 20 years that I have been in the business, that commercial television stations are capable of policing ourselves.

Your message is clear. Just give us a little time.

Mr. MARKEY. Ms. Charren?

Ms. CHARREN. I just think this might be the best hearing on children's television I ever sat through. I think that it may be that I won't ever have to come back for another hearing.

I would like to devote the rest of my minute to promoting the need to serve with resources, with support, with money, with everything we can, the public broadcasting service in this country, which understands what educating children is all about.

They are a model for how you do it. They do it where they always have to beg more money. No matter what kind of telecommunications comes down the pike, we have got to make sure that public telecommunications keeps working for children and all the rest of us.

Mr. MARKEY. Mr. LaCamera?

Mr. LACAMERA. Thank you.

Mr. Chairman, my concluding message would be that we have heard your message and are willing to act on it. I also hope that I have left with you the fact that people in this country who oper-

ate and work at local television stations are people of goodwill and of fine intentions, who demonstrate on a daily basis their commitment to their communities through their newscasts, through their local public affairs programs, and through their community outreach efforts.

These same people are prepared to extend this high level of commitment now to the children of America and to the young viewers.

The National Association of Broadcasters which acts, as you well know, as our representative, is prepared to spread this gospel and help ensure that all television stations in this country will soon meet not only the spirit of what you have discussed today and what you are trying to achieve with the Television Act, but more importantly the letter of that act.

Thank you very much.

Mr. MARKEY. Thank you very much.

And you have the final word, Ms. Lewis.

Ms. LEWIS. My goodness. It doesn't happen in my house.

First of all, I would like to say, I never really met an industry that monitored itself successfully, because when dollars are the bottom line, there is a problem at the top line.

I do agree with Mr. LaCamera, the people in the broadcast industry are people of goodwill, intelligence, parents, and they want to do the right thing. I think that in order that they be bolstered against the demands of their stockholders, there be some clear guidelines, both in terms of time and in terms of definition of programming. Because if the television industry can define and focus more, much more on the positive elements in all of us, if we can provide children with positive role models, give them a sense of their own unique potential, we can show kids that learning is mind at play.

We can show them that the diversity and differences are not to be feared. And we will have done a wondrous thing, both here and in the industry, to assure that they have a future and that our country has a future.

Mr. MARKEY. Thank you.

Thank you all very much.

You each did an excellent job.

We are going to be continuing our monitoring of the FCC as they move forward on their Notice of Inquiry.

It was our intention, if anyone was wondering what Peggy Charren and I were—what our legislative intents were in 1990, it was that this Children's Television Act have razor-blade sharp edges as it hits the worst broadcasters in America, those who are ignoring the children's television audience.

The good broadcasters like you, Mr. Spectorsky, you, Mr. LaCamera, you have no reason to fear, but there are many others out there who should, and they should begin immediately to begin to change their conduct, because we intend on pressing this issue and making it a top priority on the national agenda.

We thank each of you very much.

This hearing is adjourned.

[Whereupon, at 12:40 p.m., the subcommittee was adjourned.]

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